

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO. 404/2023**

Sejal Rajesh Kewat, Age- 17 years, Occ.-Student,  
through her natural Guardian Rajesh Babulal Kewat,  
R/o Nijampur, Post Bopapur, Tq. Achalpur, Dist. Amravati.

**PETITIONER**

**.....VERSUS.....**

District Caste Certificate Scrutiny Committee, Amravati,  
through its Member Secretary, Office at B. Wing, 1<sup>st</sup> Floor,  
Dr.Babasaheb Ambedkar Social Justice Bhawan, Camp  
Road, Amravati, Tq. & Dist. Amravati.

**RESPONDENT**

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Shri P.S. Patil, counsel for the petitioner.  
Ms S.S. Jachak, Assistant Government Pleader for the respondent.

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**CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.**

**DATE : APRIL 28, 2023.**

**ORAL JUDGMENT : (PER : A.S. CHANDURKAR, J.)**

**RULE.** Rule made returnable forthwith and heard the learned counsel for the parties.

2. The petitioner is aggrieved by the order dated 06.12.2022 passed by the Scrutiny Committee invalidating her claim of belonging to 'Kewat' Nomadic Tribe-B.

3. The petitioner claims that she and her forefathers belong to 'Kewat' Nomadic Tribe. To support such claim the petitioner sought validation of her tribe certificate by relying upon various documents. The oldest amongst said documents is the birth extract of the great-grandfather of the petitioner – Lalchand. His date of birth has been

shown as 27.03.1929 and the date of the report is 02.04.1929 with the words 'Satu Kewat' (Pradesi). The petitioner also relied upon various other documents of her blood relatives showing the entry 'Kewat'. The Vigilance Cell conducted an enquiry and in its report observed that the forefathers of the petitioner had migrated from Uttar Pradesh. The residents of village Nizampur, Taluka Achalpur, District Amravati stated that the family members belong to 'Kewat' community. The Scrutiny Committee by its order dated 06.12.2022 discarded the document of 1929 on the ground that the word 'Pradesi' had been written therein. Being aggrieved by the aforesaid order, the petitioner has challenged the same.

4. It is submitted by the learned counsel for the petitioner that based on the documents of 1929 the petitioner's father as well as her cousin brother had been issued validity certificates. Only for the reason that these validity certificates were issued without calling for the report of the Vigilance Cell could not have been the reason for invalidating the petitioner's tribe claim. The word 'Kewat' was mentioned in the document of 1929 and hence reference to additional word 'Pradesi' was of no consequence. It was thus submitted that in these facts the Scrutiny Committee was not justified in invalidating the petitioner's tribe claim.

5. The learned Assistant Government Pleader for the respondent opposed the aforesaid submission. He thus pointed out that since the validity certificate issued to the petitioner's father was without obtaining the report of the Vigilance Cell, it could not be relied upon in the present

case. Since the Vigilance Cell found that the forefathers of the petitioner had migrated from Uttar Pradesh and as the document of the year 1929 had the word 'Pradesi' mentioned therein the Scrutiny Committee was justified in rejecting the petitioner's claim. No interference therefore was called for with the impugned order.

6. We have heard the learned counsel for the parties and we have perused the documents on record. It is not in dispute that the petitioner's father and cousin brother have been issued validity certificates by the same Scrutiny Committee that has now invalidated the petitioner's claim. The said validity certificates are dated 18.02.2011 and 03.06.2021 respectively. It is not mandatory for the Scrutiny Committee to refer a matter to the Vigilance Cell and if it is satisfied by the documents produced by a candidate, it can issue the validity certificate without referring the same to the Vigilance Cell. Rule 17(6) of the Maharashtra Scheduled Castes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012 permits such course to be followed. We therefore find that the reason sought to be furnished for not giving weightage to the petitioner's validity certificate is without any legal basis. In view of the decision in *Apoorva Vinay Nichale Versus Divisional Caste Certificate Scrutiny Committee No.1, Nagpur* [2010 (6) Mh.L.J. 401], the petitioner would be entitled to issuance of a similar validity certificate as has been issued to her father.

7. Be that as it may, we have perused the documents on record. The oldest document dated 02.04.1929 clearly indicates the presence of the word 'Kewat' followed by the word 'Pradesi'. Merely because the word 'Pradesi' has been mentioned therein it would not take away the effect of the word 'Kewat' mentioned therein. It would have been a different matter if the word 'Kewat' was absent in the said document. Ignoring that word would amount to misreading the said document which would not be permissible. The effect of the entire document would have to be considered. In this backdrop coupled with the observations of the Vigilance Cell and the fact that the petitioner's father has been issued the validity certificate, we are of the view that the Scrutiny Committee committed an error in rejecting the petitioner's tribe claim.

8. For aforesaid reasons, the order dated 06.12.2022 passed by the Scrutiny Committee is set aside. It is declared that the petitioner has proved that she belongs to 'Kewat' Nomadic Tribe – B. The Scrutiny Committee shall within a period of two weeks of receiving copy of this judgment issue validity certificate to the petitioner. Rule is made absolute in aforesaid terms with no order as to costs.

(M.W. CHANDWANI, J.)

(A.S. CHANDURKAR, J.)

APTE

Signed By: Digitally signed  
by ROHIT DATTATRAYA  
APTE  
Signing Date: 04.05.2023 16:18