



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO.2367 OF 2023**

Ku. Ashwini Ashokrao Sherkar  
Aged about 24 years, Occ: Student,  
At Near new Ater Tank, Dodkipura,  
Katol, District Nagpur.

**...PETITIONER**

**...V E R S U S...**

1. The Scheduled Tribe Certificate Scrutiny  
Committee, Nagpur,  
Through its Member Secretary,  
Giri Peth, Nagpur-440 010.  
Email : tcsnagpur@gmail.com

2. The State of Maharashtra,  
Through its Chief Secretary,  
Mantralaya, Mumbai – 400 032.  
Email : cs@maharashtra.gov.in

**...RESPONDENTS**

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Shri N.D. Jambhule, Advocate for petitioner.  
Shri A.S. Fulzele, Addl. GP for respondent nos.1 and 2.  
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**CORAM :- VINAY JOSHI AND M.W. CHANDWANI, JJ.**  
**DATED :- 06.08.2024.**

**ORAL JUDGMENT (PER : M.W. CHANDWANI, J.):**

. **Rule.** Rule is made returnable forthwith. Heard finally  
with the consent of both counsel.

2. The petition challenges the order dated 26.12.2022  
passed by the respondent no.1 – Scheduled Tribe Certificate

Scrutiny Committee, Nagpur, whereby the claim of the petitioner as Mana, a scheduled tribe has been invalidated.

3. The petitioner, through the Principal, R.A.N.M. Nursing School, Matru Sewa Sangh, Sitabuldi, Nagpur, has forwarded her tribe claim towards 'Mana' for verification and issuance of validity certificate, which is enrolled at serial no.18 of the Constitution (Scheduled Tribes) Order, 1950. The petitioner filed various documents in support of her claim.

Respondent no.1 – Scrutiny Committee got her claim verified through Vigilance Cell. After relying on the contra-entries in the documents found during vigilance enquiry, respondent no.1 invalidated the claim of the petitioner that she belongs to Mana, a Scheduled Tribe. Feeling aggrieved, the said order is challenged by way of present writ petition.

4. The main contention of the petitioner is that her real brother-Shubham has been issued validity certificate in respect of 'Mana' Scheduled Tribe, by respondent no.1- Scrutiny Committee on 25.04.2019, the petitioner being real sister has been denied validity certificate. It is also contended that cousin brothers of the

petitioner, namely Prathmesh and Sonu have also been issued validity certificates of 'Mana' tribe, which has not been considered by the respondent no.1-Scrutiny Committee.

5. Perusal of the impugned order goes to show that the Scrutiny Committee after noticing contra-entry as 'Mani' and 'Mane' in the documents found in the Vigilance enquiry invalidated the claim of the petitioner.

6. The petitioner has relied upon Kotwal Panji showing a male child born to Pandurang Holba i.e. the great-grandfather of the petitioner. This document is of the year 1926 showing the caste of the great-grandfather as 'Mana', who is depicted in the genealogy tree by the Vigilance department itself. The document being pre-constitutional document has more probative value. The Scrutiny Committee has discarded this document only on the ground that said Kotwal Panji (birth extract) is obtained by one Avinash Shrirame from the revenue authority and therefore, the said Kotwal Panji is not from petitioner's family. Just because the document has been taken by somebody else, that cannot be a ground to discard the document presuming that it is not belonging to great-grandfather of the petitioner. Indisputably, Shubham, the

real brother of the petitioner, has been granted validity certificate by the respondent no.1 – Scrutiny Committee. Very surprisingly the Scrutiny Committee has granted validity to Shubham on the very same document, which has been discarded in the case of petitioner. Even the cousin brothers – Prathmesh and Sonu have been granted validity certificate of Mana tribe. Rather, validity certificate was granted to Sonu after conducting Vigilance Enquiry. It is to be mentioned here that in *Apoorva D/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others*<sup>1</sup>, wherein this Court has expressed that if prior validity is issued to a blood relative in the family then an applicant is also entitled for validity.

7. Above all, the Supreme Court in the case *Priya Pramod Gajbe Vs. State of Maharashtra*<sup>2</sup> has observed in para 10 as under:

*“10. A perusal of the report of the Vigilance Committee itself would reveal that the appellant’s great grandfathers birth record show the caste as ‘Mana’. The said document relates to as early as 10<sup>th</sup> March 1924, while another document of 14th April 1926 shows as ‘Mani’. However, it is pertinent to note, and learned counsel for the parties also agree, that there is no caste named ‘Mani’. It is thus possible that there could be some mistake in writing when*

<sup>1</sup> 2010 (6) MhLJ 401

<sup>2</sup> 2023 SCC OnLine SC 909

*the caste was written. It is to be noted that original record is written in Marathi and not in English. As such, such an error is quite possible.”*

8. Considering the pre-consituitional and oldest entry of the year 1926 showing the caste of the great-grandfather as ‘Mana’ and in view of the decision in the case of *Apoorva* as well *Priya* (supra), we feel that the petition deserves to be allowed. Accordingly, we hereby quash and set aside the impugned order dated 26.12.2022 passed by respondent no.1 – Scrutiny Committee in Case No.JC/TCSC/NGP/I/255/31/2021. It is declared that petitioner belongs to Mana, Scheduled Tribe and respondent no.1 is directed to issue validity certificate of ‘Mana’ Scheduled Tribe within a period of four weeks from today.

Authorities may act upon this order for all purposes till issuance of validity certificate to hold that the petitioner belongs to ‘Mana’ Scheduled Tribe.

Rule is made absolute in aforesaid terms with no order as to costs.

(M.W. CHANDWANI, J.)

(VINAY JOSHI, J.)

*Wagh*