

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

**WRIT PETITION NO. 6855 OF 2023**

Kanchan D/o Haridas Nannaware

Vs.

Scheduled Tribe Certificate Scrutiny Committee, Nagpur Division, Nagpur through its Chairman and others

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

Shri P.P. Dhok, Advocate for petitioner  
Shri M.J.Khan, A.G.P. for respondent/State

**CORAM : AVINASH G. GHAROTE AND**  
**SMT M.S. JAWALKAR, JJ.**

**DATE : 13.09.2024.**

Heard Mr. Dhok, learned Counsel for the petitioner, learned Assistant Government Pleader for the respondents. Perused the record, as made available by the learned Assistant Government Pleader. The petitioner who is claiming validity from the Caste Scrutiny Committee of belonging to the Scheduled Tribe 'Mana', has been denied the same by the Committee by the impugned decision dated 04/05/2023 (page 124), on the ground that there are contra entries as recorded in the table in paragraph No. 8 (page 141/142), in respect of Entry Nos. 3, 5 and 6, on the basis of the genealogy of one Daulat Ganpat Nannaware, as recorded in paragraph No. 8(c) (page 141).

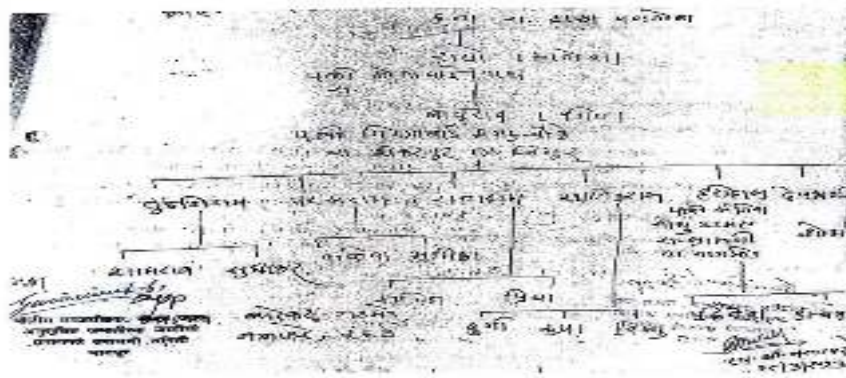
2. It is not in dispute that the father of the petitioner namely Haridas Bapurao Nannaware was granted validity vide certificate dated 12/03/2019 (page 172). It is also not

disputed that the brother of the petitioner namely Dinesh Haridas Nannaware has also been granted validity by the Scrutiny Committee on 08/11/2012 (page 171). The relationship between the petitioner and the abovesaid two persons is not disputed. A perusal of the impugned decision dated 04/05/2023, would indicate that the Caste Scrutiny Committee for denying the validity to the petitioner has relied upon the genealogical tree of one Daulat Ganpat Nannaware, which has been claimed to have been found in the vigilance enquiry on 07/07/2016, which is quoted in paragraph No. 8(c) (page 141). It is based upon this genealogy that entries at Sr. No. 3, 5, 6, 8 and 9 in paragraph 8(d) (page 142/143), have been considered for denying the tribe claim of the petitioner.

3. It is however material to note, that there is absolutely no similarity between the genealogical tree of Daulat Ganpat Nannaware, as quoted in paragraph No. 8(c), which is on the basis of the vigilance enquiry, in comparison to the genealogical tree of the father of the petitioner which was verified by the vigilance on 18/03/2013 (as quoted in paragraph No. 8(b)(page 140) of the impugned decision. This is apparent from a comparison of the genealogical tree submitted by the father of the petitioner namely Haridas to the Caste Scrutiny Committee, which has been verified at the time of granting validity to the brother of the petitioner namely Dinesh, as is indicated by paragraph No. 8 (b) of the impugned decision and the genealogical tree of Daulat Ganpat

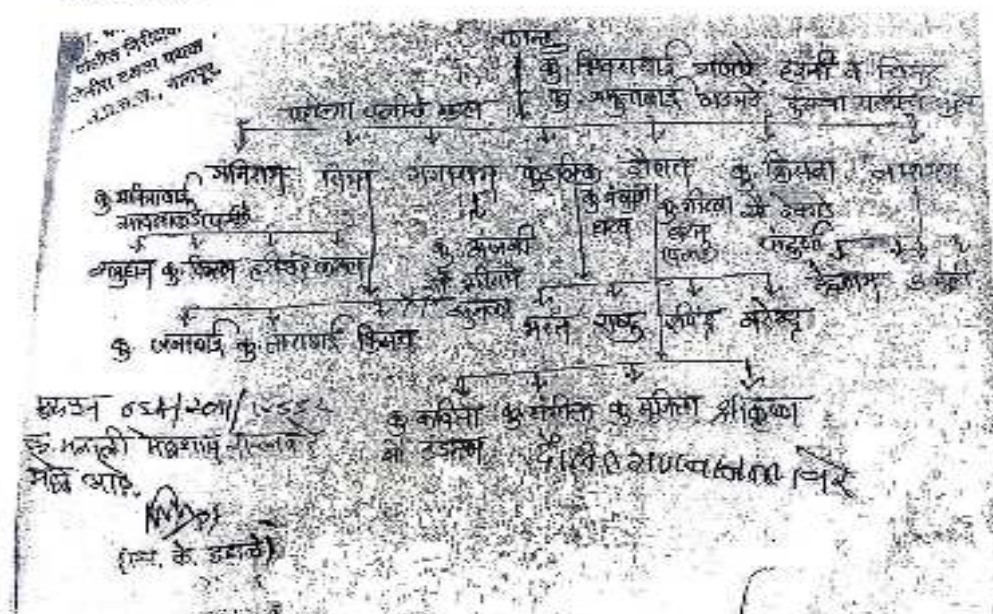
Nannaware which has been relied by the Committee to deny validity. This would be apparent from a bare comparison of both the genealogies which are extracted as under :

b) Scan of genealogy given by applicant's father Haridas during vigilance enquiry in his case on 18.03.2013 is as follows -



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c) Scan of genealogy given by applicant's cousin-cousin uncle Daulat Ganpat Nannaware during vigilance enquiry on 07.07.2016 is as follows -



4. Therefore, there was no reason whatsoever for the Committee to have discarded the genealogy as submitted by

the father of the petitioner Haridas, while applying for the validity of his son Dinesh which was verified by the vigilance in its enquiry on 18/03/2013, on the basis of which, validity has been granted to the brother and father of the petitioner.

5. In fact, the report of the vigilance in respect of the petitioner itself, which is placed on record at pages No. 80 to 90, dated 31/10/2022, indicates the verification of the documents and the entry in respect of Ragho s/o Hanya, who is the ancestor of the petitioner recorded as 'Mana' in the Bandobast Misal – P1 of the year 1912-17 (page 83) which has thereafter also been indicated in the Entry at Sr. No. 9 (page 84).

6. It is therefore apparent, that the Caste Scrutiny Committee could not have placed any reliance upon the genealogy of Daulat Ganpat Nannaware, as recorded in paragraph No. 8(c) to deny the claim of the petitioner. This is moreso for neither the genealogy of Daulat indicates Haridas to be related to him nor does the genealogy of Haridas as given in paragraph No. 8 (b) (page 140), indicates that Daulat is related to him. We therefore find absolutely no basis to sustain the decision dated 04/05/2023, passed by the Caste Scrutiny Committee, Nagpur.

7. In fact, in view of the above discussion, we were of a mind to impose exemplary cost upon the Caste Scrutiny Committee, however, we refrain from doing so in the fond

hope that the Caste Scrutiny Committee would refrain from indulging into such illogical reasonings, specifically so, when the brother and father of the petitioner have already been granted validity and Rule 16(3) of the Caste Certificates Rules, 2012, mandates that nothing further is required to be done in such a situation. We, however, put the Committee on notice that in case, we find any further transgression by the Committee of the mandate of Rule 16(3) of the Caste Certificate Rules, 2012, we would not hesitate in imposing exemplary cost upon the Committee for by its own conduct it would invite such imposition.

8. In view of the above discussion, we hereby quash and set aside the impugned decision dated 04/05/2023 (page 124), passed by the Caste Scrutiny Committee, Nagpur and direct the Caste Scrutiny Committee to grant validity to the petitioner of belonging to the Scheduled Tribe 'Mana', Entry No. 18, in the Presidential notification in that regard, within a period of two weeks from today.

9. The petition is allowed in the above terms. No costs.

(SMT M.S. JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)