



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

WRIT PETITION NO. 4801 OF 2024

Aditi d/o Sandip Jadhav,
Aged about 19 yrs, Occ. Student,
R/o. Dadham, Tahsil Balapur,
District Akola

..... **PETITIONER**

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

Scheduled Tribe Caste Certificate
Scrutiny Committee, Amravati
Office in front of State Information
Commissioner, Sana Building,
Chhaprasipura, Amravati
Pin 444 602.

.....**RESPONDENT**

Mr. S.D. Chopde, Advocate for the petitioner.
Mr. J.Y. Ghurde, Assistant Government Pleader for respondent.

CORAM:- NITIN W. SAMBRE & ABHAY J. MANTRI, JJ.
DATE : 03.09.2024

JUDGMENT (Per : Abhay J. Mantri, J.)

1. **Rule.** Rule made returnable forthwith. Heard finally,
with the consent of learned counsel for the parties.

2. The petitioner is challenging the order dated 31.07.2024,
passed by respondent Schedule Tribe Caste Certificate Scrutiny
Committee, Amravati (for short “*the Committee*”), whereby the tribe
claim of the petitioner that she belongs to ‘*Gond*’ Scheduled Tribe

came to be negated.

3. The petitioner claims that she belongs to the '*Gond*' Scheduled Tribe. Accordingly, on 13.09.2022, the Sub-Divisional Officer, Balapur, issued a caste certificate to that effect in favour of the petitioner. While pursuing studies in Smt. Meherbanu Junior College of Science and Commerce, Akola, on 02.05.2023, the petitioner submitted a caste certificate along with necessary documents to the Committee for verification to pursue further studies from the '*Gond*' Scheduled Tribe Category.

4. Upon consideration of the documents, the Committee felt it necessary to conduct a detailed enquiry and forwarded the documents to the Vigilance Cell. The Vigilance Cell thoroughly enquired and submitted its report to the Committee on 25.06.2024. During the enquiry, the Vigilance Cell noticed adverse entries of Koli, Mahadev Koli, and 'Mahadev Gond' pertain to the petitioner's ancestors. According to the report, the Committee issued a show cause notice to the petitioner, calling upon her to explain the adverse entries found during the enquiry and asked her to appear on 27.06.2024 before the Committee. The petitioner's father and

uncle appeared before the Committee and contended that Smt. Laxmibai Sahdeo Jadhav is not their relative. On 09.07.2024, the petitioner appeared before the Committee and denied all the adverse entries. After consideration of the Vigilance Report, the relevant documents and the explanation tendered, vide impugned order, the Committee negated the caste claim of the petitioner.

5. Mr. S.D. Chopde, the learned Counsel for the petitioner, vehemently contended that the petitioner, in support of her claim, has produced as many as nineteen documents, out of which six were from 1923 to 1948. The oldest document of 1923 pertains to her cousin's great-grandfather Chandrabhan s/o Tryambak, whose caste was recorded as Gond. However, the Committee has not considered the same properly and has discarded the document. It is further submitted that the validity certificate of Laxmi Sahdeo Jadhav, which was produced on record, was discarded on the grounds that the petitioner has not established a relationship with her. He argued that the findings given by the Committee are contrary to the documents on record, and therefore, the Committee erred in rejecting the petitioner's claim.

6. Per contra, Mr. J.Y. Ghurde, the learned Assistant Government Pleader, strenuously argued that during Vigilance enquiry, entry of the year 1932 pertaining to the cousin great grandfather of the petitioner was discovered wherein his caste was recorded as *Koli*. Also, the petitioner tampered with the 1960 document by erasing the Koli and Gond caste written there. He pointed out that the petitioner failed to explain the adverse entry in the father's School Leaving Certificate, wherein the caste is recorded as Koli Mahadev. Therefore, considering the documents available on record, the Committee has rightly rejected the petitioner's claim.

7. We have perused the record and appreciated the rival submissions advanced by the learned counsel for parties.

8. At the outset, it is apparent that in the six pre-constitutional era documents from 1923 to 1948, a caste of the ancestors of the petitioner is recorded as 'Gond', so also, during the enquiry, the Vigilance Cell has discovered three adverse entries pertains to cousin great grandfather Chandrabhan Tryambak of the year 1932 wherein his caste was recorded as Koli. Further, the petitioner, in her reply to the show cause notice, has not disputed

the school leaving certificate of her father, which denotes his caste as Koli Mahadev, but only averred that she has produced a fresh copy of the said document wherein Chandrabhan's caste is recorded as 'Gond' by striking down Koli caste. Moreover, it is tried to canvass that the report submitted by the Vigilance Cell is incorrect and misleading. It further reveals from the record that on 05.12.2023, the Vigilance Cell recorded the statement of the petitioner's father wherein he categorically admitted that his mother belongs to the '*Koli*' caste. Mother has obtained the Special Backward Caste Validity Certificate. His wife belongs to the Koli caste, and his sister is married in the Koli community. The family tree is incomplete, and a detailed description of her ancestors is not mentioned in it. Further, the petitioner shows two family trees. In one family tree, she has stated his father's name, Mahadev Lolaji, and grandfather's name, Tryambak, whereas, in another family tree, she has stated her father's name, Mahadev Shedu Tryamba, and there is no explanation on record about these discrepancies.

9. In the affidavit dated 02.01.2023 sworn before the Executive Magistrate describing two family trees, in both the family trees, the names of Chandrabhan Tryambak, Govinda Tryambak and

Bhagwan s/o. Govinda has not been evinced. This fact itself shows that the petitioner or her father is not sure about the names of their ancestors and their relations with them. Similarly, the petitioner has produced a validity certificate pertaining to Laxmi d/o. Sahdev, but there is no explanation as to how Laxmi or her father Sahdev are related to her, and therefore, the Committee has rightly discarded the said validity certificate. It is pertinent to note that in the School Leaving Certificate dated 07.06.1996 of the petitioner's father, his caste is recorded as '*Koli Mahadev*'. So also, when the Vigilance Cell verified the School Admission Register and School Leaving Register of the father of the petitioner, it found that on 01.07.1983, he left the school, and his caste was recorded as '*Koli Mahdav*' in the register; thus, it can be concluded that the document was tampered by writing 'Gond' caste.

10. Considering the above discussion, it appears that the petitioner has failed to demonstrate that Govinda Tryambak, Laxmi Sahdev, or Chandrabhan was related to her, so there is a discrepancy in the family trees about the ancestors' names. During the pendency of the petition, the petitioner tried to produce some documents on record to substantiate her claim, which were not produced before

the Committee.

11. In light of the above discussion, to resolve the controversy, we deem it appropriate to remit the matter to the Committee for reconsideration with direction to conduct a thorough enquiry into the matter by offering the opportunity of hearing to the petitioner to substantiate her claim. As a result, we proceed to pass the following order:

i) The petition is partly allowed.

ii) The impugned order dated 31.07.2024, passed by respondent Schedule Tribe Caste Certificate Scrutiny Committee, Amravati, is hereby quashed and set aside.

iii) The matter is remanded back to the Committee for a fresh decision by offering an opportunity to hear to the petitioner, in accordance with law.

iv) The petitioner is directed to appear before the Committee on 23.09.2024.

v) The Committee is directed to decide the caste claim of the petitioner within a period of four months from the date of appearance of the petitioner before the Committee.

12. Rule is made partly absolute in the above terms.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

R.S. Belkhede, P.A.