



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

WRIT PETITION NO. 10869 OF 2025

- 1) Vijay s/o Rajenna Gonelwar,
Age; 28 years, Occupation : Service,
- 2) Sanjay s/o Shankar Gonelwar,
Age; 31 years, Occ; Education,
Both resident of at and post Kundalwadi,
Tq. Biloli, District; Nanded.

...PETITIONERS

V E R S U S

- 1) The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
- 2) The Scheduled Tribe Certificate Scrutiny
Committee,
Kinwat Division, Aurangabad,
Through its Member Secretary.
- 3) The Sub Divisional Officer,
Biloli, Nanded,
Maharashtra.
- 4) The Superintendent of Police,
Ratnagari.

...RESPONDENTS.

.....
Advocate for the Petitioners : Mr. A.D. Sonkawade h/f Mr. S.G. Jayewar
A.G.P. for the Respondents/State : Mr.A.A.A.Khan
.....

AND

WRIT PETITION NO. 11122 OF 2025

- 1) Laxman S/o Poshetti Gonelwar,
Age; 34 years, Occ. Service,
R/o; Kundalwadi, Tq. Biloli, Dist. Nanded.

...PETITIONER

V E R S U S

- 1) The State of Maharashtra,

Through its Secretary,
Tribal Development Department,
Maharashtra State,
Mantralaya, Mumbai – 20.

- 2) The Scheduled Tribe Caste Certificate
Scrutiny Committee,
Kinwat Division, N-1, CIDCO,
Chhatrapati Sambhajnagar-431003,
Through its Deputy Director (R).
- 3) The Executive Engineer,
Public Works Department No. 2,
Gadchiroli- 442605.

...RESPONDENTS.

.....
Advocate for the Petitioner : Mr. Anil P. Piratwad
A.G.P. for the Respondents/State : Mr.A.A.A.Khan
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**CORAM : R. G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.**

DATE : 11.09.2025.

ORAL JUDGMENT (Per : Abasaheb D. Shinde, J.) :

1. Rule. Rule made returnable forthwith. With the consent of the parties, heard finally, at the stage of admission.
2. Heard the learned Advocate for the Petitioners and learned AGP representing for the Respondent State and the Caste Scrutiny Committee.
3. Both these Writ Petitions filed under Article 226 of the Constitution of India, impugns the common judgment and order dated 19.08.2025 passed by respondent No. 2 – Caste Scrutiny Committee, by

which, respondent No. 2 – Caste Scrutiny Committee, has invalidated the caste claims of the petitioners of belonging to “Mannervarlu” Scheduled Tribe.

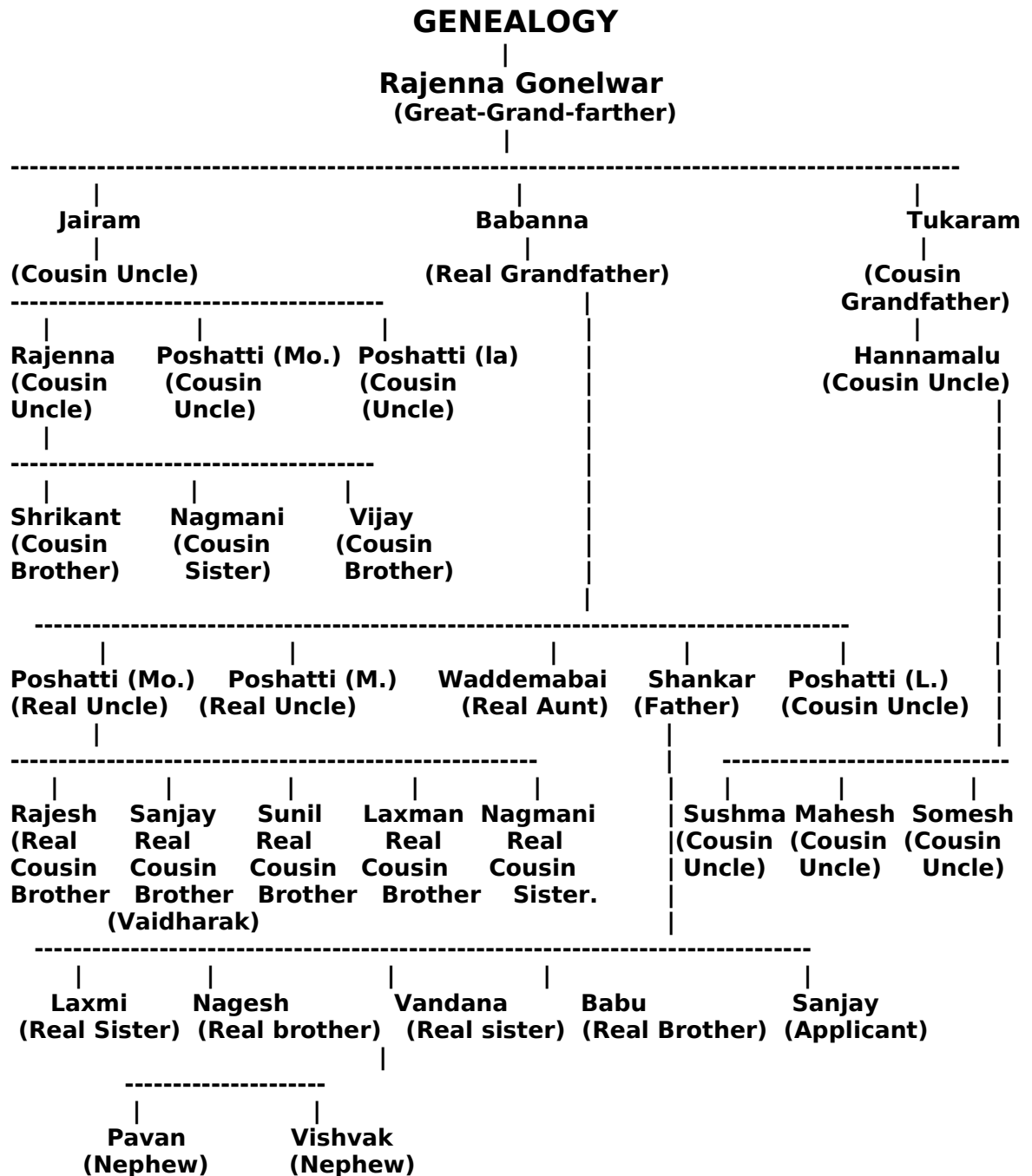
4. It is the case of the petitioners that the caste certificate of the petitioners were subjected to verification before respondent no. 2 – Caste Scrutiny Committee. Pursuant to the said proceedings, the Caste Scrutiny Committee had directed for the vigilance cell enquiry and accordingly, the vigilance cell enquiry was conducted. In vigilance cell enquiry, which is conducted on 02.05.2025, the vigilance cell while submitting its report has observed that in the School record of one Laxman Poshatti Gonelwar which is shown as cousin brother of the petitioners, the caste shown against his name is ‘Burud’. The vigilance enquiry also shown that Sanjay Poshatti Gonelwar who is shown as cousin brother of petitioners, against his name caste ‘Padmashali’ is shown and the oldest document on which the petitioner rest their claim in respect of one Shankar Babanna Gonelwar, the vigilance cell have observed that in the column of caste after the word ‘Na’, the word ‘Lu’ seems to have been inserted. It is further contention of the petitioners that pursuant to the vigilance cell report, respondent no. 2 Caste Scrutiny Committee called the petitioners to file their reply to the said report of vigilance cell vide show cause notice dated 03.06.2025. The petitioners further assert that the petitioners on 18.06.2025, filed a detailed reply to the said notice. The petitioners contend that the petitioners in their reply have firstly denied the fact that the person

namely Laxman Poshatti Gonelwar, against whom the caste is shown as 'Burud' is anywhere related to the petitioners. The petitioners have also further submitted that similarly the person who is shown as their cousin brother namely Sanjeev Poshetti Gonelwar against whose name the caste is shown as 'Padmashali', is also not related to them and lastly as far as the objection regarding alleged interpolation by inserting the word 'Lu' in the school record of Shankar Babanna Gonelwar is concerned, neither the said blood relatives nor the petitioners are instrumental for the said alleged interpolation, much less are the petitioners concerned with it. On the contrary the petitioners, assert that there is no such interpolation. The petitioners further contend that respondent no. 2 - Caste Scrutiny Committee, therefore, on the basis of those contra entries as shown in the vigilance cell report have invalidated the caste claim of the petitioners by the impugned order of belonging to the 'Mannervarlu' scheduled tribe.

5. The petitioners, therefore, urged that the order passed by the Caste Scrutiny Committee is contrary to the record as the petitioners assert that the family member and the blood relative of the petitioners namely Sanjay Poshatti Gonelwar, has been granted caste validity certificate after following due procedure of law by the Caste Scrutiny Committee itself on 27.09.2007, so also another blood relative namely Poshatti Jairam Gonelwar has also been granted the validity certificate by the Caste Scrutiny Committee on 07.08.2008, after the due procedure of law was followed including the vigilance cell enquiry

who have submitted its report on 03.06.2007, and nothing adverse was found. On the contrary, in the said vigilance cell report also the oldest entry of the year 1972 in respect of said Sanjay Babanna Gonelwar was relied upon which shows that the said Sanjay Babanna Gonelwar belongs to 'Mannerwarlu' scheduled tribe. The petitioners urged that though these two validity certificates belonging to the blood relatives of the petitioners were pointed out to respondent no. 2 - Caste Scrutiny Committee, the Caste Scrutiny Committee relying on those three contra entries as set out herein above, have invalidated the caste claim of the petitioners and, therefore, the petitioners urged that the Writ Petitions be allowed by directing respondent no. 2 - Caste Scrutiny Committee, to issue caste validity certificates as the blood relatives of the petitioners have been issued caste validity certificates by the Caste Scrutiny Committee.

6. Learned counsel for the petitioners vehemently submitted that despite the fact that two validity certificates, one of Poshatti Jairam Gonelwar which was issued by following due procedure of law as well as another validity certificate issued in favour of Sanjay Poshatti Gonelwar by a reasoned order, the Caste Scrutiny Committee could not have brushed aside the same. To substantiate that the said two caste validity holders are blood relatives of the petitioners, learned counsel for the petitioners invited our attention to the genealogy produced before the Caste Scrutiny Committee which is annexed at page no. 64 of the Writ Petition which reads as under :



7. Learned counsel for the petitioners thus contended that from the genealogy, it is clear that petitioner no. 1 in Writ Petition No. 10869/2025, belongs to branch of Rajenna Gonelwar whereas petitioner no. 2 belongs to a branch of Shankar Gonelwar. It is further contended that both Rajenna and Shankar belongs to the branch of Jairam and

Babanna, who are shown as sons of Rajenna Gonelwar along with Turkaram. Similarly, as far as petitioner in Writ Petition No. 11122/2025 is concerned, he is lineal descendant of Rajenna Gonelwar. Learned counsel for the petitioner would urge that so far as the first reason assigned by the Caste Scrutiny Committee for invalidating the caste claim of the petitioners that, the person with similar name of Laxman Poshatti Gonelwar is concerned, though the relation with the said person was outright denied, the Caste Scrutiny Committee has not considered the said fact in its proper perspective. He would further submit that similarly, even the person namely Shankar Poshatti Gonelwar shown as belonging to 'Padmashali' is concerned, his relationship with the petitioners was also denied in the reply filed before the Caste Scrutiny Committee. However, the same has not at all been considered by the Caste Scrutiny Committee.

8. Learned counsel would further urge that in so far as the ground that said Shankar Babanna Gonelwar in whose school record, the caste is shown as 'Mannervarlu' and the said word 'Lu' is alleged to have been inserted later on is concerned, even assuming though not admitting that the Caste Scrutiny Committee while relying on the vigilance cell report discarded the said evidence on the ground that there is alleged interpolation, neither the said blood relatives nor the petitioners are instrumental to the said alleged interpolation and, therefore, the petitioners cannot be denied the benefits only on the ground of doubt created by the Caste Scrutiny Committee that too on

the basis of the vigilance cell report to that effect. Learned counsel for the petitioner in order to substantiate his contention that in the case where the interpolation is alleged in the school record, the said fact needs to be proved by calling the opinion of handwriting expert and in absence of which the blood relatives or the petitioners cannot be held responsible have relied upon the judgment of the Hon'ble Apex Court in the case of **Sayanna Vs. State of Maharashtra and Others, (2009) 10 SCC 268**, and mainly relied upon paragraph nos. 13 to 16 which reads thus :

"13. What is relevant to notice is that in the report dated 1-12-2003 the Police Inspector has merely stated as a matter of fact that the word "lu" was subsequently added while recording the caste of the appellant as Mannerwarlu in the school register. The Police Inspector has not stated that the word "lu" was interpolated by the appellant. There is every possibility that the word "lu" was not mentioned at the time of recording of the caste of the appellant and on being pointed out the correct spelling of caste, the word "lu" was added. Addition of word "lu" subsequently would not lead to an irresistible conclusion that the said word was added by the appellant or at his behest.

14. It is difficult for this Court to understand as to on which basis the Scrutiny Committee came to the conclusion that the word "lu" was interpolated in the register of the school more particularly when it was not so opined by the Police Inspector who had conducted the enquiry. Whether interpolation by addition has taken place can be stated by a handwriting expert or by comparison of admitted letters of a person with this disputed one. It is an admitted position that the Scrutiny Committee had never attempted to get an expert's opinion nor itself had compared the disputed letters with admitted one of the appellant.

15. *Under the circumstances, the finding recorded by the Scrutiny Committee that the word "lu" was interpolated will have to be regarded as not based on any credible evidence. The Police Inspector had never taken care to find out whether the word "lu" was subsequently added by the school authorities or by the appellant. It was necessary for the said officer to undertake such an exercise in view of the specific defence of the appellant that the school record was lying with the school authorities and he had no opportunity whatsoever to tamper with the same.*

16. *In support of his claim that he belongs to Mannerwarlu Scheduled Tribes, the appellant had produced before the Scrutiny Committee four Xerox copies of the Caste Certificate issued by Talathi of the Village and (C) Certificate dated November 25, 2002 issued by C.E.O., Nagar Parishad. The perusal of the record shows that these documents were arbitrarily and lightly brushed aside by the Scrutiny Committee by observing that the documents were issued in a casual manner and that too on the personal knowledge without verifying the facts. It is an admitted position that none of the officers, who had issued the certificate concerned, was either summoned or examined by the Scrutiny Committee."*

9. One more aspect which needs to be considered that, though it is sought to be contended that the school record of said Shankar in which the vigilance cell noticed that the word 'lu' has been added later on. So as to show that said Shankar belongs to 'Mannervarlu', however as rightly contended by the learned counsel for the petitioners that there is no specific finding that either the said blood relative or the petitioners are instrumental to the said alleged insertion and in absence of any expert opinion in that regard, it cannot be gathered that the said alleged insertion is at the behest of the blood relatives or by the

petitioners. Learned counsel for the petitioners also relied upon the judgment of this Court in the case of **Suraj s/o Rajesh Sandekar Vs. Joint Commissioner and Vice-Chairman, Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur and Others, (2020 (1) Mh.L.J. 874**, to buttress his submission that in case when an interpolation or addition of any word is alleged, there has to be a finding by the police vigilance cell in its report that the petitioners or his blood relative was instrumental in tampering with the school record and merely because entry is scored-out and corrected in different ink and handwriting, is not enough to draw an inference that it is done by the petitioners or by their blood relatives. To substantiate his contention, learned counsel for the petitioners relied on paragraph no. 4 of the judgment of the said Suraj Rajesh Sandekar (supra) which reads thus :

"4. The police vigilance cell report dated 31-5-2019 in respect of entry of 10-3-1950 merely shows that the name 'Fagu' is scored out and 'Madhukar' is written and the caste 'Kunbi' is scored out and 'Mana' is written. It is not the finding recorded by the Committee or even by the police vigilance cell in its report that the petitioner or his blood relatives were instrumental in tampering with the school record. Merely because entry is scored out and corrected in different ink and handwriting is not enough to draw an inference that it is done by the petitioner or his blood relatives. It may be a case of genuine correction. It is difficult to have access to the school admission register, in possession of the school authorities. We do not find that there is any statement of school authorities recorded to raise any doubt in respect of this entry. There is no material on record available to show that the petitioner or any of his blood relatives were instrumental in scoring and writing in the register. We have to read the entry as it is, which indicates the name of the grandfather of the

petitioner, Madhukar Sampat Sandekar, showing that he belongs to 'Mana', which is a Scheduled Tribe. We, therefore, hold that the Committee was in error to disbelieve such entry."

10. Learned counsel for the petitioners also relied upon the judgment of the Hon'ble Apex Court in the case of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Others, (2023) 16 SCC 415***, and more particularly by relying on paragraph no. 26 which reads thus :

26. *In a given case, the Scrutiny Committee may be satisfied that the caste validity certificate relied upon by the applicant has been issued after making a lawful enquiry. But if the Scrutiny Committee is of the view that the applicant has not clearly established that the person to whom caste validity certificate produced on record has been granted is his blood relative, in terms of sub rule (2) of Rule 12 of the ST Rules, the Caste Scrutiny Committee will have to refer the case for conducting an enquiry through Vigilance Cell. In such a case, the Vigilance Cell can be directed by the Scrutiny Committee to conduct an enquiry limited to the relationship claimed by the applicant with the person in whose favour the caste validity certificate has been issued. If, on the basis of the report of the Vigilance Cell, the Scrutiny Committee is satisfied that the person in whose favour caste validity certificate has been issued is a blood relative of the applicant and lawful enquiry has been conducted before issuing the validity certificate, the Scrutiny Committee will have to issue validity certificate even if the applicant does not satisfy the affinity test. For example, if it is established that the*

father or grandfather of the applicant has been given a caste validity certificate after holding a lawful enquiry in accordance with law, the Caste Scrutiny Committee cannot hold that the grandfather or father of the applicant, as the case may be, belongs to Scheduled Tribe but the applicant does not belong to Scheduled Tribe. Only if the relationship as pleaded by the applicant is not established, the other evidence produced by the applicant and the result of the affinity test can be taken into consideration by the Scrutiny Committee."

11. By relying on the observations of the Hon'ble Apex Court, the learned counsel for the petitioners strenuously contended that once the person in whose favour the caste validity certificate have been issued is blood relative of the petitioners and lawful enquiry has been conducted before issuing the validity certificate, the Scrutiny Committee will have to issue validity certificate even if the petitioners do not satisfy the affinity test. Learned counsel, therefore, would further submit that while issuing caste validity certificate to Poshatti Jairam Gonelwar in the year 2008, vigilance cell enquiry was conducted and on the basis of the said vigilance cell report the validity has been granted in favour of said Poshatti Jairam Gonelwar. Learned counsel for the petitioners would further submit that there is no dispute about the relationship of the petitioners with those validity holders who are blood relatives of the petitioners and there is no finding also in the impugned order in that regard and, therefore, the validity certificates relied upon by the petitioners ought to have been considered by respondent no. 2 - Caste Scrutiny Committee.

12. Learned counsel for the petitioners lastly submitted

that even if the Caste Scrutiny Committee is raising a doubt on the caste validity certificates of the blood relatives on which the petitioners have relied upon and proposed to reopen their caste validity, even in that case petitioners are ready to run the risk and face the consequences as contemplated in the case of ***Shweta Balaji Isankar Vs. State of Maharashtra and Others, 2018 SCC OnLine Bom 10363***, and further submitted that the petitioners may be granted conditional validity.

13. Learned AGP on the other hand tried to justify the impugned order passed by respondent no. 2 – Caste Scrutiny Committee and produced the original record for perusal of this Court and have opposed the Writ Petition by contending that, the Caste Scrutiny Committee found interpolation in the school record moreover, the Scrutiny Committee also noticed certain contra entries and in the light of the fact that the validity certificates on which the petitioners relied upon are already subject to re-verification in that case, the petitioners are not entitled for issuance of validity certificate. Learned AGP however, lastly submitted that if at all this Court is inclined to issue caste validity certificate, the same may be issued conditionally in the light of the judgment of this Court in the case of *Shweta Balaji Isankar (supra)*.

14. Having heard the learned counsel for the petitioners and learned AGP, we are of the considered view that admittedly the blood relatives of the petitioners namely Sanjay Poshatti Gonelwar and Poshatti Jairam Gonelwar have already been issued validity certificates way back in the year 2007 and 2008 and those validity certificates are still intact and subsisting as of today moreover, when the relationship has not been denied or disputed either by the Caste Scrutiny Committee or by the learned AGP the same has gone uncontroverted.

15. The petitioners would be justified in relying on those caste validity certificates. As far as the ground on which the caste claim of the petitioners have been invalidated by the Caste Scrutiny Committee relying on the adverse entry standing against one Laxman Poshatti Gonalwar and Shankar Poshatti Gonalwar are concerned, when the petitioners have specifically denied the relationship with those two persons while filing their reply to the notice dated 03.06.2025, issued by the Caste Scrutiny Committee, the Caste Scrutiny Committee have not dealt with the said aspect in its proper perspective. We are also of the considered view that in the light of judgments of the Hon'ble Apex Court in the case of Sayanna (supra) and in the case of Suraj Rajesh Sandekar (supra) delivered by this Court, in absence of any evidence or findings that either the blood relatives or the petitioners are instrumental in the said so called interpolation or addition of the word 'lu', the petitioners cannot be made to suffer more particularly when as observed by the Hon'ble Apex Court in the case of Sayanna (supra) that in absence of any expert opinion about manipulation and in absence of any specific findings in that regard the petitioners or the blood relatives of the petitioners cannot be held responsible.

16. We are also further of the view that in view of the judgment of Hon'ble Apex Court in the case of Maharashtra Adiwasi Thakur Jamat (supra) when the validity holders namely Sanjay Babanna Gonalwar and Poshatti Jairam Gonalwar are blood relatives of the petitioners and there is no dispute about they being blood relatives of the petitioners, the Caste Scrutiny Committee ought to have issued caste validity certificates in favour of the petitioners. In that view of the matter since the petitioners are ready to run the risk and face the consequences as laid down in the case of Shweta Balaji Isankar (supra), we are inclined to allow this Writ petitions partly by passing following

order :

ORDER

- (i) Writ Petition Nos. 10869/2025 as well as Writ Petition No. 11122 of 2025, are hereby partly allowed.
- (ii) Respondent No. 2, The Scheduled Tribes Caste Scrutiny Committee, Kinwat, Division Aurangabad, is directed to issue Caste Validity Certificates to the Petitioners in both the Writ Petitions, as belonging to "Mannervarlu" Scheduled Tribe.
- (iii) The Caste Validity Certificates of the Petitioners will be co-terminus with the Caste Validity Certificates of the their blood relatives on which the Petitioners are relying upon and also subject to outcome of the proceedings of re-verification of the caste validity of the said blood relatives.
- (iv) The petitioners will not be entitled to claim any equity.
- (v) The petitioners to undertake to co-operate with respondent no. 2 - Caste Scrutiny Committee, as and when the Caste Scrutiny Committee would re-open their caste claim.
- (vi) Both the Writ Petitions are disposed of in above terms.
- (vii) Rule is made absolute.

(ABASAHEB D. SHINDE)
JUDGE

(R. G. AVACHAT)
JUDGE