



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11937 OF 2024

1. Shrawani D/o Vithal Gonewad,
Age: 25 years, Occupation: Education,
R/o : Plot No.75, Vyankateshwarnagar,
Wadi (Bk), Purna Road, Near Poddar,
School Nanded, District Nanded.

.... Petitioner

VERSUS

1. The State of Maharashtra,
Through Secretary,
Department of Tribal Development,
Mantralaya, Mumbai - 32.
2. Scheduled Tribe Certificate,
Scrutiny Committee, Kinwat,
Head Office Chhatrapati Sambhajnagar,
Through its Member Secretary.

.... Respondents

Appearance :

Mr. P. R. Katneshwarkar (Senior Advocate) h/f Mr. Deepak Chaudhari
and Mr. Vijay G. Gangalwad, Advocate for the Petitioner

Ms. P. J. Bharad, AGP for Respondent Nos.1 and 2.

**CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.**

**Reserved on : 31st July, 2025
Pronounced on : 26th August, 2025**

JUDGMENT : [PER NEERAJ P. DHOTE, J.]

1. This Writ Petition under Article 226 of the Constitution of India is directed against the order dated 27/09/2024, passed by Respondent No.2 – Committee, invalidating the Petitioner's claim of belonging to the '*Mannervarlu*' Scheduled Tribe.

2. The Petitioner took admission for Bachelor of Medicine and Bachelor of Surgery (MBBS) on the seat reserved for Scheduled Tribe. She was required to submit the validity certificate towards the Scheduled Tribe. Her caste certificate of belonging to the '*Mannervarlu*' Scheduled Tribe was sent for verification to Respondent No.2 – Committee. The Respondent No.2 – Committee directed the Vigilance Inquiry. After the Vigilance Cell submitted its report, the Respondent No.2 – Committee invited the Petitioner for hearing. The Petitioner submitted the documents of her father and validity of her uncle in support of her tribe claim as belonging to '*Mannervarlu*' Scheduled Tribe. The Respondent No.2 – Committee invalidated her tribe claim, cancelled and confiscated her caste certificate and directed action under Section 10 to Section 12 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation Of Issuance And Verification Of) Caste Certificate Act, 2000 (hereinafter referred to as 'the Act of 2000') against the Petitioner.

3. It is submitted by the learned Senior Advocate for the Petitioner that, the uncle of Petitioner by name Somesh Narayan Gonewad is holding validity towards '*Mannervarlu*' Scheduled Tribe, which was issued by Respondent No.2 – Committee after following due procedure and the Respondent No.2 – Committee held that, the relation

with him was not established by the Petitioner. The Petitioner had submitted the revenue record of her great grandfather by name Sayanna s/o Sayanna Gonewad, wherein, the caste is mentioned as '*Mannervarlu*' and the said entry was of the year 1936 (1346 *Fasli*). The Respondent No.2 – Committee discarded the same on the ground that, the said document was submitted to the Respondent No.2 – Committee by one Rameshwar Gajanan Chandewar in support of his tribe claim, which was found to be fabricated. The Respondent No.2 – Committee discarded the documents of the Petitioner's father showing the caste as '*Mannervarlu*'. He would further submit that, the impugned order was not sustainable in the eye of law and the same be set aside and the Writ Petition be allowed. In support of his submissions, he relied on the following Judgments :

- (i) **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Others ; 2010 (6) Mh. L. J. 401 ;**
- (ii) **Shweta Balaji Isankar Vs. State of Maharashtra and Others decided by this Court, in Writ Petition No.5611/2018, on 27/07/2018 ;**
- (iii) **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Others ; 2023 SCC Online SC 326 ;**

4. It is submitted by the learned AGP that, the Petitioner failed to prove her claim towards '*Mannervarlu*' Scheduled Tribe. There was no material to establish that, the validity holder by name Somesh Narayan Gonewad was related by blood with the Petitioner. The Genealogy submitted by the Petitioner in her case and the Genealogy

submitted by Somesh Narayan Gonewad in his file do not match. During inquiry, the statement of Narayan Gonewad, who is the father of Somesh Gonewad, was recorded, in which, he stated that, his late grandfather by name Chinnanna Gonewad was illiterate and he had no siblings. He further stated that, his late father by name Sayanna Chinnanna Gonewad was illiterate and he had no siblings. The great grandfather's name of the Petitioner was Sayanna and the name of great grandfather of Somesh Gonewad was Chinnanna. This shows that, they do not belong to the same family and were not in blood relation. The old entry in the revenue record was fabricated, as in the case of one Rameshwar Gajanan Chandewar, the revenue record of 1937 (1347 *Fasli*) was relied by the said Claimant and the Committee found that, both the said entries that is, relied by the Petitioner and relied by the said Rameshwar Gajanan Chandewar were from the same village, same tehsil office, same record and from the same number on the same page, which show that, two different entries were made against the same number in the same revenue record. There were contra entries in the school record of the cousin uncle and cousin aunt of the Petitioner. The Respondent No.2 – Committee has rightly considered the claim and passed the impugned order and, therefore, the Petition is liable to be dismissed.

5. In Apoorva d/o Vinay Nichale (*Supra*), the claim of the Petitioner therein towards Kanjar Bhat - Nomadic Tribe was invalidated by

the concerned Committee and the main grievance of the Petitioner therein was that, her caste certificate ought not to have been invalidated in view of the undisputed facts that the certificate of her sister for the same tribe was validated by the concerned Scrutiny Committee and it was the contention that, the sister was related by blood from the paternal side and there was no reason for invalidating the tribe claim. This Court observed that, the Committee would be entitled to refuse to follow the caste validity certificate granted to a blood relative if it appears to the Committee that the earlier caste certificate was scrutinized by a Committee without jurisdiction or the validity order was obtained by committing fraud on the Committee. It was further observed that, the Committee, which had expressed a doubt about the validity of caste claim of the Petitioner and described it as a mistake in its order, ought not to have arrived at a different conclusion and further observed that, merely different view on the same facts would not entitle the Committee dealing with the subsequent caste claim to reject it.

6. In Shweta Balaji Isankar (*Supra*), the subject matter was the invalidation of the tribe claim by the concerned Scrutiny Committee. Though the real uncle and cousin uncle of the Petitioner therein were having the validity for the same tribe and the Petitioner therein had established a relationship with the said validity holders, the concerned Scrutiny Committee had issued the show-cause notices to the validity holders. The reason assigned in the impugned order therein was not

found to be sustainable, and justification in the affidavit was also not found enough to straightaway discard the certificate of the validity issued in the family and the Petition was allowed and the validity certificate, which was directed to be issued to the Petitioner therein, was made subject to the consequences, which would follow in the event of invalidation of the validity certificates, which were opened by the Scrutiny Committee.

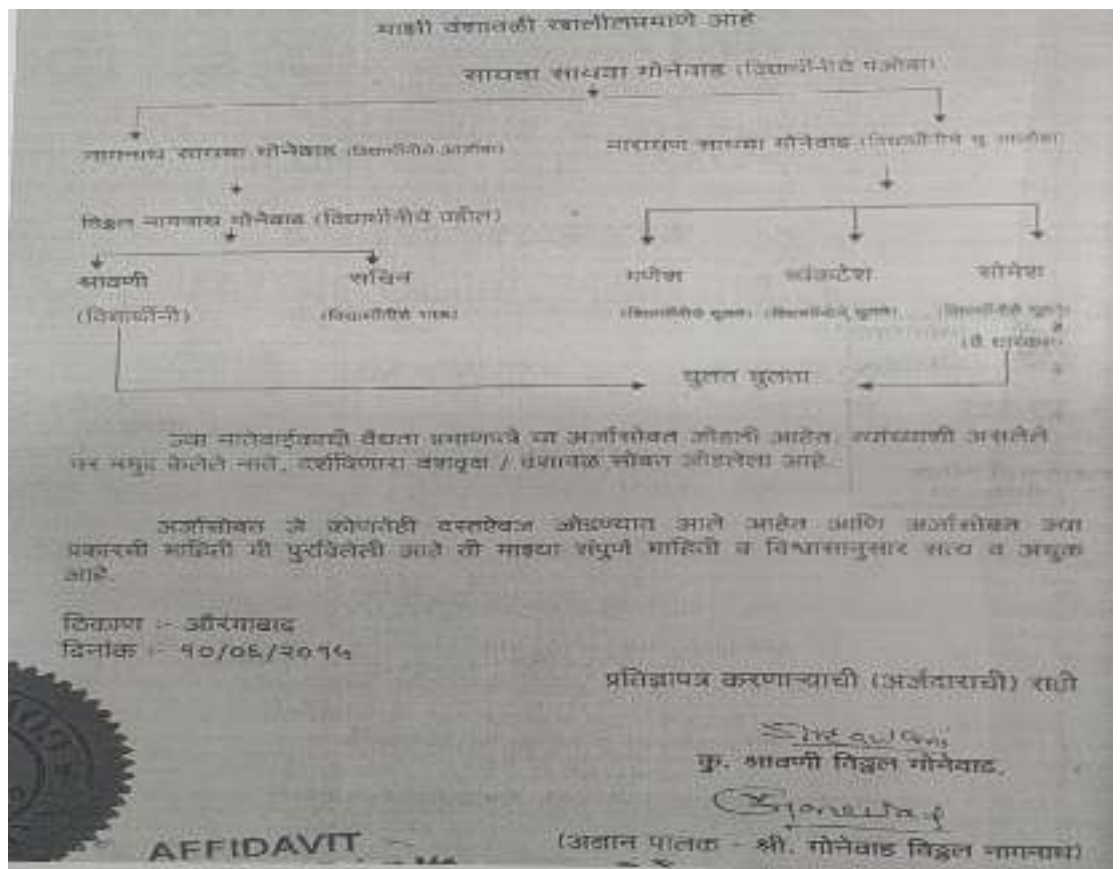
7. In Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (*Supra*), the question before the Hon'ble Apex Court was whether paramount importance should be given to the affinity test while adjudicating upon a caste claim on the basis of a caste certificate issued by a Competent Authority i.e. whether the affinity test is a litmus test for deciding a caste claim. It was observed that, the affinity test cannot be applied as a litmus test and further observed that, the question of conducting the affinity test arises only in those cases where the Scrutiny Committee is not satisfied with the material produced by the Applicant. It was further observed that, if the relationship pleaded by the Applicant with the validity holder was not established, the other evidence produced by the Applicant and result of the affinity test can be taken into consideration by the Scrutiny Committee.

8. Coming to the case at hand, the subject matter falls within the ambit of the Act of 2000. As per Section 8 of the Act of 2000, the burden of proving that, the person belong to such Caste, Tribe or Class shall be on such person. It is also the settled position under the law that, if the Scrutiny Committee is not satisfied with the documents submitted by the Applicant in support of his / her tribe claim, the claim is to be referred to the Vigilance Cell for inquiry and its report. After considering overall material before it, the Scrutiny Committee is required to decide the tribe claim by giving an opportunity to the Applicant.

9. We have perused the papers on record and files made available by the learned AGP. There is no dispute on the aspect that, the Petitioner was given the opportunity by Respondent No.2 – Committee before passing the impugned order. The impugned order shows that, the Petitioner, in support of her tribe claim, relied on the school record of herself having the entries towards ‘*Mannervarlu*’ Scheduled Tribe dated 04/06/2003 and 18/06/2011 and the school record of her father having the entries as ‘*Mannervarlu*’ Scheduled Tribe dated 26/06/1986 and the validity certificate of ‘*Mannervarlu*’ Scheduled Tribe of the said Somesh Narayan Gonewad issued by the Scrutiny Committee on 15/06/2010.

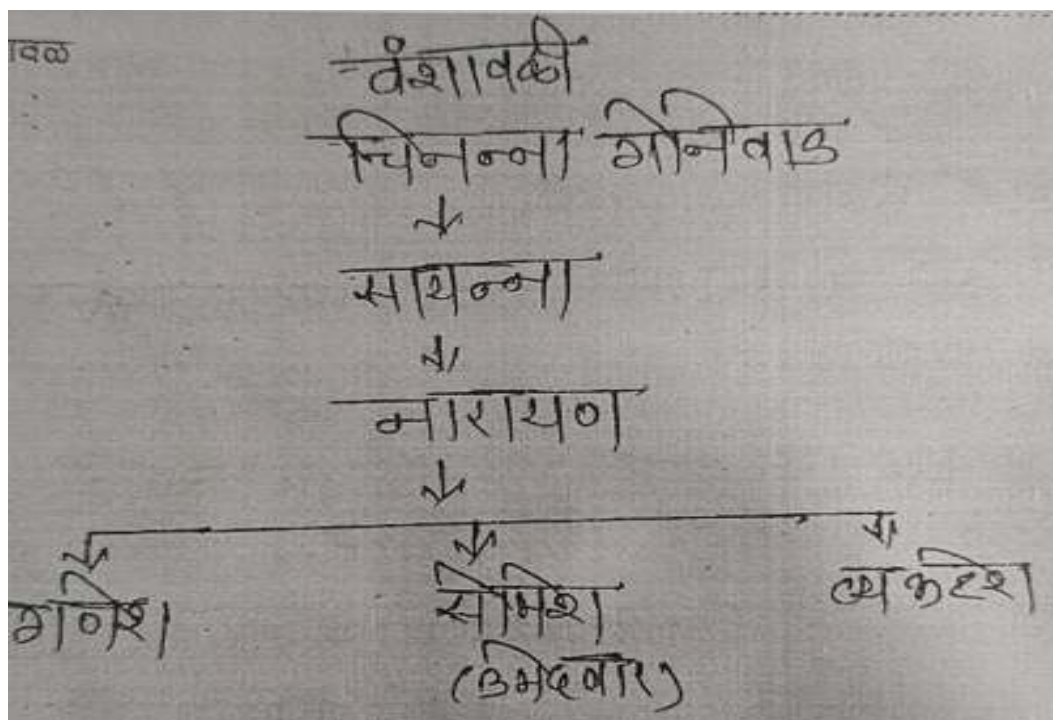
10. Heavy reliance is placed by the Petitioner on the validity certificate of the said Somesh Narayan Gonewad. The Petitioner claims

that, Somesh Narayan Gonewad was her cousin uncle from the paternal side. On this aspect, the Respondent No.2 – Committee observed in the impugned order that, the Petitioner had not submitted the affidavit of the said Somesh Narayan Gonewad in support of her tribe claim. The Petitioner and her father, during the Vigilance Inquiry, gave the following Genealogy, which is reproduced below :



10.1. In the impugned order, the Respondent No.2 – Committee observed that, during the Vigilance Inquiry in the case of Somesh Narayan Gonewad, the statement of father of Somesh Gonewad, namely, Narayan Gonewad was recorded on 16/12/2009, wherein, he stated that, his grandfather's name was Chinnanna Gunewad, who was uneducated and his said grandfather had no siblings and he was alone.

Said Narayan Gonewad, gave the following Genealogy, which is reproduced below :



10.2. On the basis of the above-referred two (2) Genealogies, which were collected during the Vigilance Inquiry of the Petitioner and Vigilance Inquiry of Somesh Gonewad, respectively, the Respondent No.2 - Committee observed that, in the Genealogy submitted by the Petitioner and Petitioner's father, the grandfather of Somesh Gonewad was Sayanna Sayanna Gonewad and in the Genealogy given by Narayan Gonewad, the grandfather of Somesh was Sayanna Chinnanna and, therefore, the Respondent No.2 - Committee arrived at the conclusion that, the Petitioner submitted the false Genealogy in support of the claim and answered the issue as to whether the Petitioner can be given benefit of the validity issued to Somesh Gonewad, in the negative.

11. Admittedly, as can be seen from the impugned order, Somesh Gonewad had not come forward with an Affidavit before the Respondent No.2 – Committee in support of the Petitioner’s claim. We had the opportunity to peruse the record of Respondent No.2 – Committee of Somesh Gonewad and the Petitioner. From the statement of Narayan, his grandfather by name Chinnanna Gonewad had no siblings, whereas, according to the Petitioner’s father, his grandfather was Sayanna Sayanna Gonewad. There is no reference of Chinnanna Gonewad in the Genealogy submitted by the Petitioner’s father. The impugned order shows that, the Petitioner failed to show that, the Somesh Gonewad was related to her by blood. Unless it is established that, the validity holder is related by blood, benefit of such validity cannot be reopened. Therefore, the Petitioner cannot derive any benefit from the said validity of Somesh Gonewad. Therefore, we do not find that, the Respondent No.2 – Committee has committed any error in not placing reliance on the validity of Somesh Gonewad.

12. The impugned order further shows that, the Vigilance Cell collected the school records of the persons, which the Petitioner claims to have been related with them. The entries in the said school record were of ‘*Mannervarlu*’ and dated 11/06/1990, 16/06/1986 and 18/06/1985. From the dates of the said entries, it is clear that, those are of post-constitution era. One of the document collected by the Vigilance Cell is

the Revenue record (Pahani Pathrak in Modi Script) and it has been translated in Marathi language. The said entry is of 1346 *Fasli*, i.e. of the year – 1936, in the name of Sayanna Sayanna Gonewad Mannervarl. The Petitioner claims that, the said Sayanna was her great grandfather. The said entry or document is reproduced below :

२२	१	४५	४५	१२	सरकारी	हवसा वल्द गंगा	जातखुद १ सही	पदीत	
२	२-२९	२-२९	८			धोंडु वल्द अमृता	जातखुद तर्फे सायन्ना वल्द सायन्ना गोनेबाड मन्नेरवारु बळईदार सही	कापूस १-१० तुर २ अंबाडी ३ १-१५	
२३	१२-१८	३	१२-१५	३०		शिविवासख	जातखुद तर्फे मारोती वल्द परबंता महादेव कोली बळईदार	मुग २ तुर २ अंबाडी १५ ४-१५	

13. It is the settled position in law that, the pre-constitution era entry has more probative value. The above document, which has the entry of pre-constitution period, is considered by the Respondent No.2 – Committee and discarded the same on the ground that, the document, which was having pre-constitution period entry, submitted by one Rameshwar Gajanan Chandewar in support of his claim towards ‘*Mannervarl*’ Scheduled Tribe, was from the same village, same register, same page having same number with different names and observed that, the record from the said Tehsil Office was fabricated. The said document

of pre-constitution period submitted by the said Rameshwar Gajanan Chandewar is reproduced below :

गजानन चंदेवर वरवीं नसब १३५० चा हजनामा									
क्र.सं.	वर्ग	श.सं.	उ.सं.	म.सं.	हजनामा वरवीं अवकाश	ज.सं.	वर्ग	श.सं.	उ.सं.
१	११५०	२१२०	१०	१०	बो.सं. वरवीं हजनामा	ज.सं. १०	वर्ग १११०	११२	११३
२	११५०	२१२०	१०	१०	बो.सं. वरवीं हजनामा	ज.सं. १०	वर्ग १११०	११२	११३
३	११५०	२१२०	१०	१०	बो.सं. वरवीं हजनामा	ज.सं. १०	वर्ग १११०	११२	११३
४	११५०	२१२०	१०	१०	बो.सं. वरवीं हजनामा	ज.सं. १०	वर्ग १११०	११२	११३

14. The impugned order further shows that, the said Rameshwar Gajanan Chandewar challenged his invalidation before this Court in Writ Petition No.9755/2024, decided by order dated 10/09/2024 and this Court, made the following observations in Paragraph No.17 of that Judgment :

“17. So far as 1347 *Fasli* revenue record is concerned, we need not repeat the observations of the committee which have already been mentioned earlier. The fact that though it was a record coming from the record of Tehsil office, Biloli, District - Nanded, no exception can be taken to the inference drawn by the committee based on what could be noticed even by the translator. The column on the left side of page contained entries in Modi script whereas only the columns on the right side page in the remarks column, appeared in Urdu. The seal impressed apparently having Urdu script, was also smudged one and the ink appeared fresh. Surprisingly, even the columns were drawn in pencil and the line appeared even on the already impressed stamp. Meaning thereby that it was not a ruled page having the seal but it was a page having the seal whereupon the lines were drawn. If such was the condition of the record, no exception can be taken to the inference drawn by the committee that it was a dubious record and refusing to accept it as a proof to substantiate petitioner's claim.”

15. A close scrutiny of the above documents shows that, the second entry is the same, except for the names in the column just before the column wherein crops are shown. This clearly shows that, the findings of Respondent No.2 – Committee that, the names of two different persons are shown against the same number on the same page of the same register of same Tehsil Office and the same was fabricated, is based on the material on record. When the pre-constitution era entry or document is found to be fabricated, the Petitioner cannot derive any benefit from the same. No fault can be found with the decision of Respondent No.2 – Committee in discarding the said old document.

16. The impugned order further shows that, during the Vigilance Inquiry, the Vigilance Cell collected school record of the blood relatives of the Petitioner. The chart showing the necessary details from the said record shown in the impugned order is reproduced below :

अ) अर्जदार यांनी प्रस्तावासह सादर केलेल्या दस्तऐवजाव्यतिरीक्त पोलीस दक्षता पथकाच्या चौकशी दरम्यान अर्जदार यांचे रक्तसंबंधी नातेवाईकांच्या शालेय प्रवेश व निर्गम अभिलेखातील मूळ जातीत नियमबाह्य फेरबदल नोंदी खालीलप्रमाणे प्राप्त करण्यात आलेल्या आहेत :-

अ. क्र.	शाळेचे नाव	प्रवेश क्रमांक	विद्यार्थ्याचे नाव	अर्जदारा शी नाते	जातीची नोंद	प्रवेश दिनांक
१.	जि. प. माध्यमिक शाळा कोलूर मंडल तानुर, ता. निर्मल	१/ ३२१	रमेश नागनाथ गोनेवाड	काका	M. Kapu	१४/ ०८/ १९७४

२.	जि. प. माध्यमिक शाळा कोलूर मंडल तानुर, ता. निर्मल	२/ १५२	विठ्ठल नागनाथ	वडील	Munurkapu	१७/ ०७/ १९७९
३.	जि. प. माध्यमिक शाळा कोलूर मंडल तानुर, ता. निर्मल	३/ २१२	महेश रमेश गोनेवाड	चुलत भाऊ	BC Munnurkapu	२४/ ०६/ २००२
४.	जि. प. माध्यमिक शाळा कोलूर मंडल तानुर, ता. निर्मल	४/ १७२२	निता रमेश गोनेवाड	चुलत बहीण	BC Munnurkapu	१५/ ०६/ २०१०

17. The above entries in the school record of the Petitioner's father, paternal uncle, cousin brother and cousin sister show their caste as 'Munurkapu' 'M.Kapu' 'BC Munnurkapu' and 'BC Munnurkapu', respectively. These entries in respect of the caste of blood relatives of the Petitioner are at complete variance with the claim of the Petitioner towards 'Mannervarlu' Scheduled Tribe. These entries further create a severe dent to the Petitioner's claim. The Respondent No.2 – Committee has recorded the finding that, 'Munurkapu' caste is different from the 'Mannervarlu' Scheduled Tribe.

18. The Respondent No.2 – Committee also recorded the finding that, the Petitioner failed in the affinity test. In Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (*Supra*), it is observed that, *affinity test cannot be applied as a litmus test*. It is further observed therein that, *we may again note here that question of conduct of the affinity test arises*

only in those cases where the Scrutiny Committee is not satisfied with the material produced by the applicant. There is an argument made that, as far as SC Rules are concerned, clause (d) of Rule 13 specifically provides for Vigilance Cell conducting an affinity test and there is no such pari materia provision in the ST Rules. We are unable to accept this submission as sub-rule (4) of Rule 12 of the ST Rules enjoins the vigilance officer to collect facts about the social status of the applicant or his parents, as the case may be. Therefore, sub-rule (5) provides for the examination of the applicant and his parents. For verification of social status as contemplated by sub-rule (4) of Rule 12 of the ST Rules, in a given case, affinity test can be resorted to by the Vigilance Cell.

19. The Petitioner has filed Affidavit dated 28/07/2025 in the present Writ Petition stating that, after filing of the Writ Petition, the Petitioner got the certified copies of revenue records such as Pahani Pathrak, in which, it is shown that, Sayanna's father was Sayanna and in the revenue record of Kolor Tanoor Mandal 2001 – 2002, the name of grandfather and cousin grandfather are mentioned in Telugu language and the translation in English was made. It is further stated that, from the said documents, it was established that, Nagnath and Narayan were the real brothers and their father's name was Sayanna. It is further stated that, during the course of Vigilance Inquiry, the Vigilance Officer produced the Genealogy, in which, Narayan and Nagnath are shown as

real brothers and, therefore, the Vigilance Officer has not disputed the relationship of the Petitioner with the validity holder Somesh Narayan Gonewad as the cousin uncle of the Petitioner. The copies of the said documents are enclosed with the Affidavit.

20. As regard the documents submitted by the Petitioner along with the Affidavit, they are of post-constitution period. From the said documents, the Petitioner wants to show that, Narayan and Nagnath were the real brothers and their father's name is shown as Sayanna. However, in light of the above discussion in respect of the Genealogy submitted during the Petitioner's tribe claim and the Genealogy in the case of Somesh Gonewad and the statement of Narayan i.e. the father of Somesh Gonewad recorded during the Inquiry, these documents by itself will not be of any assistance to the Petitioner in support of the tribe claim. Therefore, we do not see any merit in the submission of the learned Senior Advocate for the Petitioner that, the matter may be remanded to Respondent No.2 – Committee for fresh consideration.

21. In light of the above discussion, the impugned order needs no interference, as it is based on the documents available on record. The Petitioner failed to establish her tribe claim. We find no merit in the Writ Petition and the same is liable to be dismissed. Hence, the following order :

ORDER

. The Writ Petition is dismissed.

[NEERAJ P. DHOTE, J.]

[R. G. AVACHAT, J.]

Sameer