



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

WRIT PETITION NO.329 OF 2025

Nikhil Shiosajan Wakade

Vs.

The Scheduled Tribe Certificate Scrutiny Committee and others

*Office Notes, Office Memoranda of Coram,
AGPearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. N.D. Jambhule, Advocate for the petitioner/s
Mr. A.M. Kadukar, AGP for the respondent/State

CORAM : ANIL S. KILOR AND VRUSHALI V. JOSHI, JJ.

DATE : 28.07.2025

1. Heard.
2. By this writ petition, the petitioner raises a challenge to the invalidation of his tribe claim as 'Mana' Scheduled Tribe vide order dated 08.11.2024, passed by the respondent No.1/Scrutiny Committee.
3. The learned counsel for the petitioner points out that there is a pre-independence era document of the petitioner's great-great-grandfather, namely Rama Laxman Bondku Mana of the year 1916-1917, as 'Mana' Scheduled Tribe. This pre-independence document supports the case of the petitioner as 'Mana' Scheduled Tribe.
4. Further, he places heavy reliance upon the validity certificate granted to his cousin uncle-Atul Ramuji Wakade, on 20.04.2006, in view of the directions issued by the Hon'ble Supreme Court of India in Civil Application No.5270 of 2004.

5. It is argued that the validity of the petitioner has been discarded by the Scrutiny Committee on the ground the validity certificate of Atul Ramuji Wakade had been obtained by suppressing documents which are contrary to the claim of the petitioner. The learned counsel, therefore, submits that the impugned order is illegal and liable to be quashed and set aside. In support of his submission, he has placed heavy reliance upon the judgment of this Court in *Writ Petition No. 5102 of 2021 (Ku. Ankita d/o Gautam Gadmade Vs. The State of Maharashtra and others)*, decided on 12.10.2022.

6. On the other hand, the learned AGP strongly opposes the petition and submitted that the Committee has given justifiable reasons for discarding the validity certificate of Atul Ramuji Wakade. He further submits that there are certain entries which are found contrary to the claim of the petitioner. He accordingly prays for dismissal of the present writ petition.

7. In the light of rival submissions, we have perused the record and the judgments relied upon by the learned counsel for the petitioner.

8. From the impugned order, it is evident that the validity certificate dated 20.04.2006 of Atul Ramuji Wakade, the cousin uncle of the petitioner, was submitted in support of the tribe claim of the petitioner. There is no dispute that the said validity certificate was issued as per the

directions issued by the Hon'ble Supreme Court of India in its decision rendered in Civil Application No.5270 of 2004. It is further apparent from the face of the order that much importance has not been given to the said validity certificate and the same has been discarded by the Scrutiny Committee by recording certain reasons. One of the reasons is that the cousin uncle of the petitioner suppressed certain documents, having contrary entries, while obtaining the validity certificate.

9. Similar was the case before this Court in the case of ***Ku. Ankita d/o Gautam Gadmade*** (*supra*). This Court, while allowing the said writ petition, directed the Committee to issue validity certificate vide order dated 12.10.2022, has observed thus :

“5. Infact, the law is well settled on the question of evidentiary value of validity certificate granted to a person by the competent Scrutiny Committee. The validity certificate granted to a person stands as a conclusive proof of social status of that person, unless it is revoked for legally admissible reasons. Therefore, what stands as a conclusive proof of a social status of a person also stands as sufficient and reasonable proof of the social status of a person, who is related from paternal side to a person in whose favour the validity certificate has been granted. This settled position of the law appears to have been completely ignored by the Scrutiny Committee and the Scrutiny Committee has been unnecessarily and unduly swayed away by something, which could not be considered to be as reliable and an adequate evidence as the validity certificate granted to Gauresh, real brother of the Petitioner.

6. Then, the Scrutiny Committee, in our considered opinion, has superseded its jurisdiction in making

certain comments upon the unreliability of the validity certificate granted to Gauresh. Although the Scrutiny Committee has considered the fact that this certificate has been issued to him on the basis of the directions issued by the Hon'ble Apex Court, the Scrutiny Committee makes an observation that this certificate appears to have been obtained by suppression of facts relating to documentary evidence of the ancestors of Gauresh.

7. If the Scrutiny Committee was of the view that Gauresh has obtained validity certificate by suppressing material facts, the Scrutiny Committee ought to have approached the Supreme Court and placed before it the material supporting the doubt of the Scrutiny Committee and sought necessary order from the Hon'ble Supreme Court in review. But, till the time, the Supreme Court recorded a finding that Gauresh had obtained the validity by suppressing the material facts, it was not open to the Scrutiny Committee to have recorded an opinion that he had obtained certificate by suppressing facts, as if the Scrutiny Committee was sitting in appeal over the decision taken by the Hon'ble Supreme Court. What the Scrutiny Committee has done in the present case is against the well settled principles of law. It amounts to usurpation of appellate jurisdiction and also has a potential of travelling into arena of contempt of the Hon'ble Supreme Court.”

10. In the teeth of the above referred observations, we revert back to the facts of the present case.

In the present matter, admittedly, the Committee has not approached to the Hon'ble Supreme Court of India, seeking directions as regards the validity issued to cousin uncle of the petitioner i.e. Atul Ramuji Wakade and in absence of the same, the Committee cannot ignore such certificate.

11. In that view of the matter, and considering the document of the year 1916-1917, which is of pre-constitutional period, will support the case of the petitioner belonging to 'Mana' Schedule Tribe.

12. Hence, we are of the opinion that this is a fit case to remit the matter back to the Scrutiny Committee to decide the same afresh by taking into consideration the above referred observations. Accordingly, we pass the following order:

- (i) The writ petition is **partly allowed**.
- (ii) The impugned order dated 08.11.2024, passed by the respondent No.1/the Scheduled Tribe Certificate Scrutiny Committee, Gondia, invalidating the caste claim of the petitioner as 'Mana' Schedule Tribe, is hereby quashed and set aside.
- (iii) The respondent No.1/ the Scheduled Tribe Certificate Scrutiny Committee, Gondia shall take decision afresh within the period of four months from today.
- (iv) Learned AGP undertakes to communicate the order to the Committee.

(VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)