



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

WRIT PETITION NO. 3350 OF 2022

1. Mr. Gajanan S/o Ramrao Shrirame,
Aged about 49 years, Occ. Service
2. Ms. Janhavi D/o Gajanan Shriame,
Aged about 20 years, Occ. Student,
Both R/o. Istari Nagar, Khapri, Tah.
Ghatanji, District Yavatmal

...Petitioners

// VERSUS //

1. Deputy Director & Member- Secretary,
The Scheduled Tribe Caste Certificate
Scrutiny Committee, Amravati,
opposite of office of State Information
Commission, Chaprashipura, Amravati
2. Chief Executive Officer, Zilla Parishad,
Yavatmal, office at Arvi Road,
Yavatmal, District Yavatmal
3. Education Officer (Primary), Zilla
Parishad, Yavatmal, office at Arvi Road,
Yavatmal, District Yavatmal
4. Block Development Officer, Panchayat
Samiti, Ghatanji, District Yavatmal
5. Amolakchand Mahavidyalaya, Vidya
Prasarak Mandal, Godhani Road,
Yavatmal, District Yavatmal through its
Principal

... Respondents

Shri Ananta Ramteke, Advocate for the petitioner.
Shri S.B.Bissa, AGP for the respondent no. 1/State.

**CORAM : SMT. M.S.JAWALKAR &
PRAVIN S. PATIL, JJ.**

DATED : 15th JULY, 2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

Heard. **Rule.** Rule made returnable forthwith. Heard finally by consent of the parties.

2. By this petition, the petitioners are challenging the order dated 9th September, 2021, passed by the respondent no.1 Scrutiny Committee, Amravati, whereby the caste claim of the petitioners belonging to Mana Tribe is rejected.

3. It is submitted that petitioner no.1 is father and petitioner no.2 is daughter. Petitioner no.1 is working as an Assistant Teacher under the establishment of respondent nos. 2 to 4. Petitioner no.2 at the time of forwarding the caste claim was the student of Bachelor of Science in respondent no.5-College.

Caste claim of petitioner no.1 was submitted through respondent no.3 on 17th June, 2013 and caste claim of petitioner no.2 submitted by respondent no.5 on 31st May, 2019 to the respondent no.1-Committee.

Accordingly, the caste claim of both the petitioners are decided by common order by respondent no.1 -Committee.

4. It is stated that the Caste Scrutiny Committee, Amravati, by the impugned order, rejected the caste claim mainly on the ground that pre-constitutional era documents relied on by the petitioners dated 7th July, 1915, and 2nd October, 1918, do not resemble with the genealogical tree submitted by the petitioners, and secondly, on the ground that difference found in residence of ancestors and petitioners.

5. The learned Assistant Government Pleader has strongly opposed the petition by relying upon the findings recorded by the Caste Scrutiny Committee. It is the submission of the learned Assistant Government Pleader that the genealogical tree submitted by the petitioner was on affidavit and accordingly the contents therein are relied upon by the Committee and therefore, it cannot be said that the findings of the Committee are incorrect.

6. In the background of above said submissions of both parties, we have perused the record and also considered the case laws cited by the petitioners in the matter.

7. It is seen from the record that the petitioners to substantiate their Tribe claim have relied upon pre-constitutional era documents of Zighala dated 7th July, 1915 and one document in the name of Zhiglya dated 2nd August, 1918. On the basis of these pre-independence documents, which according to the settled position of law have a probative value, it is the submission of the petitioners that the same should have been considered by the Committee.

8. In support of this submission, the petitioners has relied upon the genealogical tree prepared by the Vigilance Cell during the course of inquiry. The said genealogical tree which is at [page 89] of the petition, shows that Vigilance Cell has recorded the name of great-grand father of petitioners as Zhibal alias Zhigala. However, respondent-Committee has rejected the document relied by petitioners only on the ground that as per genealogical tree filed on affidavit, petitioners had stated the name of his great grandfather as Zhibal @ Zhigala which is not reassemble with the document which they have produced on record. However, we find that the names are resembling in family tree prepared by Vigilance Cell and

affidavit filed by petitioner. Therefore, findings recorded by respondent no.1-Committee are perverse in nature.

9. It is pertinent to note that, Committee members do not record any reason as to whether Zhibal and Zhigal alias Zhiglya are different persons from the same vicinity nor in support of such finding relied any documentary proof. It is also not clarified by respondent-Committee as to why explanation was not called from petitioners regarding difference of name of great grandfather Zibal alias Ziblaji. As such according to us, learned members of Committee, committed error while discarding the pre-constitutional documents.

10. In respect of residence, the Committee has recorded that petitioners are the resident of Saithkhada, Tal. Ghatanji, District Yavatmal, however the documents placed on record it is seen that residence of ancestors of petitioners was village Junoni, Taluka Ghatanji, District Yavatmal. In this regard, the petitioners have relied upon the statement of petitioner no.1 which was recorded by the Vigilance Cell during the course of inquiry dated 12th April, 2018. In this statement, it is clarified that the original place of resident of his ancestor was Junoni,

Taluka Ghatanji, District Yavatmal. However, his grandfather namely Vithobha after the marriage has shifted to Saithkharda, Taluka Ghatanji, District Yavatmal and since then his family is residing at Saithkharda, Taluka Ghatanji, District Yavatmal. But, though this explanation was given by the petitioners, it seems that same is not looked into nor considered by the Committee in the impugned order.

11. Learned counsel for the petitioners has rightly relied upon the judgment of this Court in the case of Shubham S/o Mahadeo Gudade Vs. Vice President & Member-Secretary and others, reported in 2024(5) ALL MR 80, wherein in paragraph 14 of the judgment observed as under :

14. Moreover, the Vigilance Cell report did not dispute the genuineness of these two documents. However, they have affirmed the said entries, but only observed that no document or material is placed on record to substantiate the name viz; Aadku @Aako is one and the same person, except their oral statement. For the sake of argument, even though there is some ambiguity in the name Aadku or Aako that is not detrimental to the entries in the documents of the years 1917 and 1937 wherein the name of the great-grandfather of the petitioner is mentioned and his caste is mentioned as 'Mana' Scheduled Tribe, the said documents are not controverted by the Vigilance Cell Department or Scrutiny Committee. Therefore, there is no reason to discard the said documents by the Committee but those are sufficient to grant Tribe Validity Certificate in favour of the petitioner. Thus, it seems that the observations recorded in the order by the Scrutiny Committee have not been supported by cogent and reliable documents and therefore we do

not find substance in the findings recorded by the Scrutiny Committee ignoring the vital documents of the years 1917 and 1937.

As such, it is held that ambiguity in the name petitioner's great grandfather of the petitioner is not detrimental to pre-constitutional documents. Accordingly, validation of the Tribe claim is improper.

12. We are of the considered opinion that the view taken by this Court in the case of Shubham S/o Mahadeo Gudade Vs. Vice President & Member-Secretary and others (supra) is logical and pre-independence documents should be given weightage and same cannot be discarded for technical reason as mentioned in the impugned order of respondent no.1 - Committee and therefore, the reasons for which the caste claim of the petitioner is rejected, according to us found to be illegal and incorrect.

13. In view of above, the petition deserves to be allowed. Accordingly, we pass the following order.

- i. The writ petition is allowed.
- ii. The order passed by the respondent no.1 Caste Scrutiny Committee dated 9th September, 2021, is hereby quashed and set aside.

iii. It is hereby declared that the petitioner's claim for Mana Scheduled Tribe is valid and accordingly directed the respondent no.1 to issue caste validity certificate to the petitioners within a period of four weeks.

iv. It is further made clear that the respondent nos. 2 to 5 to act on the basis of caste validity certificate and to take entry in the service record of petitioner no.1 accordingly.

The writ petition is disposed of in aforesaid terms.

[PRAVIN S. PATIL, J.]

[SMT. M.S.JAWALKAR, J.]