



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

WRIT PETITION NO.4382 OF 2025

WITH

WRIT PETITION NO.3260 OF 2025

WITH

WRIT PETITION NO.4353 OF 2025

WITH

WRIT PETITION NO.3262 OF 2025

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WRIT PETITION NO.4382 OF 2025

Manthan Ranjeet Mungalkar
Aged about 21 years, Occ: Student,
R/o Mahvir Nagar, Near Gupta
Provision, Badnera Road, Amravati,
Tq. and District Amravati.

...PETITIONER

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

Scheduled Tribe Caste Scrutiny Committee,
Yavatmal, Distt. Yavatmal, through its
Research Officer and Member Secretary.

...RESPONDENT

WITH

WRIT PETITION NO.3260 OF 2025

1. Bhumika D/o Sunil Mungalkar,
Age 20 years, Occ: Student,
2. Yash S/o Sunil Mungalkar,
Age 21 years, Occ: Student,

Both R/o Rajpura, Karanja Lad,
Tahsil Karanja (Lad)
District – Washim.

...PETITIONERS

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

Scheduled Tribe Caste Scrutiny Committee,
Yavatmal, Distt. Yavatmal, through its
Research Officer and Member Secretary.

...RESPONDENT

WITH
WRIT PETITION NO.4353 OF 2025

Pratik Ganesh Mungalkar
Aged about 25 years, Occ: Student,
R/o Bhagwati Apartment No.09,
Asha Nagar, Near BYTCO Point,
Nashik Road, Nashik. **...PETITIONER**

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

Scheduled Tribe Caste Scrutiny Committee,
Yavatmal, Distt. Yavatmal, through its
Research Officer and Member Secretary. **...RESPONDENT**

WITH
WRIT PETITION NO.3262 OF 2025

Pooja D/o Rajendra Mungalkar
Aged about 29 years, Occ: Private Job,
R/o Damini Nagar, Near Dhabekar Sabhagruha,
Karanja Lad, Tq. Karanja Lad,
Dist. Washim. **...PETITIONER**

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

Scheduled Tribe Caste Scrutiny Committee,
Yavatmal, Distt. Yavatmal, through its
Research Officer and Member Secretary. **...RESPONDENT**

Shri T.U. Tathod, Advocate for petitioners.
Shri A.V. Palshikar, Assistant Government Pleader for respondent.

CORAM : SMT. M.S. JAWALKAR & M.W. CHANDWANI, JJ.
RESERVED ON : 01.12.2025
PRONOUNCED ON : 10.12.2025

JUDGMENT: *(Per : M.W. Chandwani, J.)*

1. **Rule.** Rule made returnable forthwith. Heard finally
with the consent of both the parties.

2. The petitioners in all these petitions are descendants of one Sonba. The caste claim of the petitioners in each petition has been invalidated by the respondent–Scheduled Tribe Caste Scrutiny Committee, Yavatmal (for short “**Committee**”) more or less on the same grounds. The petitioners are related by blood and therefore, these petitions are being disposed of by this common judgment and order.

3. The petitioners in each petition are pursuing education in different educational institutions and claim that they belong to ‘Raj’ which is a Scheduled Tribe enlisted at serial no.18 of the Constitution (Scheduled Tribes) Order, 1950. Therefore, their caste claim was forwarded by the respective colleges to the respondent – Committee for verification alongwith their caste certificates. In all the petitions, the petitioners submitted various documents dating way back to the year 1915 and onwards showing that they as well as their forefathers belong to ‘Raj’ (Scheduled Tribe). The matter was then referred to the Vigilance Cell for enquiry. The Vigilance Cell found some contra entries showing the caste of their forefathers which was different from ‘Raj’ (Scheduled Tribe). The vigilance report also raised doubts with regard to the documents relied upon by the petitioners. To support their claim, the oldest document which was relied upon by

the petitioners is the gift-deed dated 22.06.1915 in the name of Sonba, the great-great-grandfather, which has been discarded only on the ground that the record was not available with the relevant department. The respondent – Committee, relying on the vigilance report, discarded the oldest document of 22.06.1915 and also relied on the contra entries collected by the Vigilance Cell to invalidate the caste claim of the petitioners in each petition by different impugned orders dated 05.06.2024, which are assailed in the instant petitions.

4. We have heard Shri Tathod, learned counsel for the petitioners as well as Shri Palshikar, learned Assistant Government Pleader for the respondent – Committee. We have also perused the record and proceedings of the respondent - committee.

5. Before proceeding to deal with the orders impugned, we must state that indisputably, the cousin brother of the petitioner namely Gaurav Mungalkar challenged the invalidation of his caste claim before this Court in Writ Petition No.5040 of 2021. By order dated 25.01.2022, this Court allowed the writ petition filed by Gaurav, the cousin brother of petitioner and directed the respondent-committee to issue validity certificate in his favour. Thereafter, another cousin brother of the petitioner

namely Nishant Mungalkar also approached this Court by filing Writ Petition No.2402 of 2022 challenging the invalidation of his caste claim of 'Raj' (Scheduled Tribe). This Court by order dated 21.06.2022, relying on the earlier decision in Writ Petition No.5040 of 2021 directed the respondent – Committee to issue validity certificate to Nishant. Likewise, one Vidhya Pinjarkar, the cousin aunt of the present petitioners also approached this Court by filing Writ Petition No.1588 of 2022 and by order dated 07.12.2022, the petition filed by Vidhya met with the same fate as that of Gaurav and Nishant. Consequently, Vidhya Pinjarkar was also granted validity certificate of her caste claim of 'Raj' (Scheduled Tribe).

6. Perusal of the orders impugned reveals that the petitioners have relied on various documents dating way back to the year 1915 showing consistent entries in respect of the caste of their forefathers as 'Raj' (Scheduled Tribe). No doubt, some contra-entries were found by the Vigilance Cell in the birth entry certificate of a son born to the great-grandfather / cousin great-grandfather, Zombya Sonba Marathi wherein, his caste is shown as 'Marathi'. What we find is that, 'Marathi' is not a caste but it is a language. The other documents dated 13.07.1982 and 21.06.1991

found in the vigilance enquiry which the respondent- Committee believes to be contra-entries shows the caste as 'Hindu Rajgond'. Even if that is so, the fact remains that 'Rajgond' is also included in the Constitution (Scheduled Tribes) Order, 1950 as a Scheduled Tribe. Therefore, the Committee should not have relied on these documents to reject the caste claim of the petitioners.

7. What remains is the document dated 06.07.1974 wherein, the caste of the cousin uncles/uncles of the petitioners is shown as 'Beldar' As against this, there are consistent entries in the voluminous documents since the year 1915 till date showing their caste as 'Raj'. The respondent – Committee also failed to consider that the 1915 document i.e. the gift-deed which was discarded by the Committee was duly considered by this Court in Writ Petition No.5040 of 2021 i.e. in the case of Gaurav Mungalkar, the cousin brother of the petitioners. In the said writ petition, this Court directed the Committee to grant validity certificate to Gaurav, the petitioner in the said petition. Surprisingly, this document of the year 1915 has again been discarded in the case of the present petitioners who are blood relatives of Gaurav.

8. Having granted validity certificate to Gaurav, a blood relative under the dictum of this Court on the same set of

documents, coupled with the subsequent validity certificates granted to another cousin and the cousin aunt of the aforesaid petitioners namely Nishant and Vidhya, the respondent – Committee should not have rejected the caste claim of the petitioners. Having the oldest entry of 1915 showing the caste of forefathers of the petitioners as ‘Raj’, the subsequent contra-entry of 1974 will not take away the case of the petitioners, since the oldest documents have more probative value than recent ones. Apart from this, there are consistent entries of ‘Raj’ (Scheduled Tribe) in the voluminous documents of the forefathers of the petitioners. Therefore, the findings recorded by the Committee in each petition do not stand to the reason. Hence, we are of the view that the orders impugned do not sustain and the same are liable to be set aside. Consequently, we pass the following order:

9. The writ petitions are allowed.

10. The impugned order dated 05.06.2024 passed by the respondent–Scheduled Tribe Caste Scrutiny Committee, Yavatmal in Case No.11/502/Edu/072022/1279 challenged in Writ Petition No.4382 of 2025; the impugned order dated 05.06.2024 passed by the respondent – Committee in Case Nos.11/502/Edu/042022/734 and 11/502/Edu/042022/745 challenged in Writ Petition

No.3260 of 2025; the impugned order dated 05.06.2024 passed by the respondent - Committee in the case No.11/502/Edu/102022/2697 challenged in Writ Petition No.4353 of 2025; and the impugned order dated 05.06.2024 passed by the respondent - Committee in Case No.5/502/Edu/072019/148783 challenged in Writ Petition No.3262 of 2025 are hereby quashed and set aside.

11. It is hereby declared that the petitioners belong to 'Raj' Scheduled Tribe.

12. The respondent– Committee is directed to issue Validity Certificate to the petitioner in each petition within two months from the date of receipt of this order.

Rule is made absolute in the abovesaid terms. No order as to costs.

(M.W. CHANDWANI, J.)

(SMT. M.S. JAWALKAR, J.)

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