



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

WRIT PETITION NO. 1334 OF 2024

Shri Chetan Ramesh Chaudhari,
Aged about 32 years,
Occupation - Educated Unemployed,
At. Po. Rajgadh, Tah. Mul,
District Chandrapur.
Mobile No. 8668357883,
e-mail.chetanchaudhari964@gmail.com

.... **PETITIONER**

// **VERSUS** //

**The Scheduled Tribe Certificate
Scrutiny Committee,** Gadchiroli,
Through its Member Secretary,
**New Office : The Scheduled Tribe Certificate
Scrutiny Committee, Chandrapur,**
Behind Law College, Dr. Pillai ITI College,
2nd floor, Tadoba Road,
Tukum Chandrapur-442401.
e-mail.Id.cvcchandrapur@gmail.com

.... **RESPONDENT**

Mr. N. D. Jambhule, Advocate for the Petitioner.
Ms. Kavita Bhondge, Assistant Government Pleader for
the Respondent.

CORAM : SMT. M.S. JAWALKAR, AND
SHRI M.W. CHANDWANI, JJ.

DATE : 08th DECEMBER, 2025.

ORAL JUDGMENT : (Per : Smt. M.S. Jawalkar, J.)

1. Heard learned Counsel for the Petitioner and learned
Assistant Government Pleader for the Respondent.

2. **RULE.** Rule is made returnable forthwith. Heard finally with the consent of the learned Counsel appearing for the parties.

3. By this Petition, the Petitioner is challenging the order dated 27.02.2013, passed by the Scheduled Tribe Certificate Scrutiny Committee, Gadchiroli, whereby the tribe claim of the Petitioner of belonging to 'Mana' Scheduled Tribe came to be invalidated and Caste Certificate issued by the Sub Divisional Magistrate, Chandrapur is cancelled and confiscated.

4. The Petitioner claims to belong "Mana" Scheduled Tribes. There is a validity certificate issued in favour of father of the Petitioner namely Ramesh Nago Chaudhari on 13.11.2006. So far as endorsement on that certificate is that it is 'Valid' as per the decision of the Hon'ble Supreme Court passed in C.A. No. 5270/2004. Similarly, there are validity certificates issued in favour of real uncles of the Petitioner namely Sudhakar Nagoba Chaudhari and Saudagar Nagoba Chaudhari. These validity certificates are not challenged by the Caste Scrutiny Committee.

5. It is the contention of the Petitioner that there is a delay in filing the petition as he was not aware of scheme of free-legal-aid and he is a person belonging to a family having 'small

means'. It also appears that he again obtained a Caste Certificate and proposal was forwarded for verification. The Caste Scrutiny Committee invalidated the claim of the Petitioner and the second caste certificate came to be cancelled and confiscated.

6. It appears that the Scrutiny Committee, Gadchiroli bifurcated and the new Caste Scrutiny Committee at Chandrapur came to be established. The Petitioner is not challenging that subsequent order dated 13.12.2023, but only challenges the earlier order passed by the Caste Scrutiny Committee, Gadchiroli and is seeking relief that the invalidation in the year 2013 was without verifying the validity certificates issued in favour of near blood relatives i.e. father and real uncles of the Petitioner.

7. Moreover, the caste claim was rejected on the ground of affinity and area restrictions. In our considered opinion, the area restrictions is already removed by the State vide Order in the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976' (Act No. 108 of 1976) which was published in the Gazette on 20.09.1976. The Caste Scrutiny Committee ought to have considered this aspect. So far as affinity test is concerned, there is an old document produced at the relevant time of 1944 i.e. School

Record of grandfather, wherein the caste is shown as 'Mana'. However, there is no discussion in the impugned order on this old document of 1944. It is a settled position of law that the documents prior to 1950 are having greatest probative value and they cannot be lightly brushed aside.

8. Thus, in our considered opinion, though there is a *prima facie* claim of 'Mana' made out by the Petitioner, it was not properly considered by the Caste Scrutiny Committee. In the Judgment of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra, 2023(2) Mh.L.J. 785***, wherein it is held that,

- Affinity test is not a litmus test to decide a caste claim.
- Only when Scrutiny Committee after holding an inquiry is not satisfied with material produced by applicant, case can be referred to Vigilance Cell.
- If an applicant is able to produce authentic and genuine documents of pre-Constitution period showing that he belongs to a tribal community, in such case a reference to Vigilance Cell is not warranted at all.

- Applicant must establish his precise and exact relationship with person to whom validity certificate has been granted.

9. There are caste validity certificates issued in favour of blood relatives of the Petitioner. In the Judgment of ***Apoorva Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1, Nagpur, 2010(6) Mh.L.J. 401***, wherein it is held that,

- If a blood relative holds a valid caste certificate, the same status must be granted to the applicant. Exception : only if the earlier validity was obtained by fraud.
- A different view on identical fact is impermissible.
- Ensures consistency and fairness in caste verification within the same family.

10. As such, we are of the considered opinion that though there is a delay to file the petition, the order of the Scrutiny Committee needs to be set aside and Scrutiny Committee is required to be directed to consider it afresh in view of law position and provisions of law. Delay in preferring writ petition was caused due to paucity of fund and proper guidance, therefore the Petitioner could not challenge the same at the relevant time. In view of the fact that there are validity certificates already

issued in favour of the father and real uncle of the Petitioner, it needs to be considered as there is no challenge to these certificates being obtained by fraud. Delay in challenge will not change the caste. In view of this, we proceed to pass following order :

- (i) The writ petition is **partly allowed** subject to costs of **Rs.2,000/-** (Rs. Two thousand only). The costs is to be paid to the Library of Government Pleader, Nagpur within a period of one week.
- (ii) The order dated 27.02.2013, passed by the Scheduled Tribe Certificate Scrutiny Committee, Gadchiroli is hereby quashed and set aside.
- (iii) The matter is remitted back to the newly constituted Caste Scrutiny Committee, Chandrapur to decide the same afresh, as early as possible within a period of two months.
- (iv) It is made clear that the Caste Scrutiny Committee, Chandrapur shall consider the matter afresh on its own merits and may not get influence by the observations made in the order dated 13.12.2023, passed by the Caste Scrutiny Committee, Chandrapur.

11. Rule accordingly. No order as to costs.

(M.W. CHANDWANI, J.)

(M.S. JAWALKAR, J.)