



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

WRIT PETITION NO. 1527 OF 2021

**Mandakini D/o Ramkrushna Dharmik
@ Smt. Mandakini W/o Dilip Nandanwar,
Aged about 48 years, Occ.- Housewife,
R/o. At & Post – Dhanki, Tah. Umarkhed,
District - Yavatmal.**

.... PETITIONER

// VERSUS //

- 1) The Scheduled Tribe Caste Certificate
Scrutiny Committee,
Through its Member-Secretary,
Amravati, Tah. & Dist. Amravati.**
- 2) The Collector,
Collectorate, Yavatmal,
Tah. And District – Yavatmal.**

.... RESPONDENTS

Mr. Ashwin Deshpande, Advocate for the Petitioner.
Mr. A. V. Palshikar, Assistant Government Pleader for
the Respondents.

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

DATE : 14th NOVEMBER, 2025.

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

- 1. RULE.** Rule made returnable forthwith. Heard finally
with the consent of the learned Counsel appearing for the parties.
- 2.** By this Petition, the Petitioner is challenging the order
dated 16.03.2021, passed by the Respondent No.1 - Scheduled

Tribe Caste Certificate Scrutiny Committee, Amravati thereby invalidating the caste claim of the Petitioner to the 'Halbi' Scheduled Tribe which is included at Sr. No.19 in the Constitutional Scheduled Tribe Order, 1950.

3. It is contended that the Petitioner has obtained Caste Certificate of 'Halbi' Scheduled Tribe on 09.07.2015 from the Sub Divisional Officer, Umarkhed. The Petitioner forwarded the caste claim for verification to the Respondent No.1 – Caste Scrutiny Committee along with relevant documents showing caste as 'Halbi' Scheduled Tribe. The Petitioner filed the documents of the years 1947 and 1943 along with other documents. The Respondent No.1 – Caste Scrutiny Committee called for vigilance report. The Vigilance Report shows that the documents of 1943 and 1947 are duly verified and found to be genuine. Thus, considering these two entries, the claim of the Petitioner for 'Halbi' Scheduled Tribe is required to be allowed.

4. The Petitioner relied on Judgment passed by this Court in *Writ Petition No.5005/2019 (Nikhil S/o Ganesh Dharmik Vs. The Scheduled Tribes Caste Certificate Scrutiny Committee, Amravati and others)* dated 18.07.2019, wherein this Court

validated the caste claim of nephew of the present Petitioner namely Nikhil Ganesh Dharmik.

5. So far as invalidation of caste claims are concerned, the Caste Scrutiny Committee invalidated the caste claims of Shri Ganpat Ramkrushna Dharmik, who is real brother of the Petitioner and Shri Pravin Balkrushna Dharmik, who is cousin brother of the Petitioner. The orders passed by the Caste Scrutiny Committee in the said matters are of the year 2002 and 2003. Both the said claimants have not challenged their invalidation before this Court. However, in case of *Nikhil S/o Ganesh Dharmik*, after his caste claim got invalidated, he has challenged the said order in ***Writ Petition No.5005/2019*** (supra) and this Court validated his caste claim.

6. The learned Counsel for the Petitioner also placed reliance on Judgment passed by this Court in ***Writ Petition No.7256/2024*** (*Sauravkumar s/o Sunilkumar Katole Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal*) with connected matter, dated 07.08.2025, wherein this Court in para Nos.21 and 22 held as under :

“21. It is one of the contention that the caste certificate was invalidated in respect of uncle of the petitioner i.e. Dhananjay Katole. However, he has not challenged the same. Therefore, it has attained finality.

22. Learned Counsel for petitioner relied on Mangesh s/o Panditrao Thakur (supra), wherein, this Court held in paragraph No.13 as under :

“13. True it is that there is an invalidation of Jyoti Narayan Vishve’s certificate and the order has attained finality right up to the Supreme Court. However, we have been consistently holding that the decision of the scrutiny committee would only bind the claimant and would not bind the blood relatives, for the simple reason that they are not parties to such adjudication and that a blood relative may be able to substantiate his claim by leading cogent and relevant evidence sufficient enough to discharge the burden cast upon him under section 8 of the Maharashtra Act No. XXIII of 2001.”

7. In view of this legal position, the orders passed in respect of Shri Ganpat Ramkrushna Dharmik and Shri Pravin Balkrushna Dharmik would not come in the way of the Petitioner’s claim as he belongs to ‘Halbi’ Scheduled Tribe. There is a one entry of ‘Haalbi’, however, it is the only difference in pronunciation and nothing more. Thus, it has to be treated as ‘Halbi’.

8. As such, the order passed by the Respondent No.1 Caste Scrutiny Committee is liable to be quashed and set aside.

Accordingly, we proceed to pass following order :

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 16.03.2021, passed by the Respondent No.1 - Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati in Case No. JC/TCSC/AMT/5/510/El/122019/160728 is hereby quashed and set aside.
- (iii) It is declared that the Petitioner duly established that she belongs to “Halbi” Scheduled Tribe.
- (iv) The Respondent No.1 Scheduled Tribe Certificate Scrutiny Committee, Amravati is hereby directed to issue the validity certificates of “**Halbi**” Scheduled Tribe to the Petitioner within a period of two weeks.
- (v) The Petitioner can use this Judgment for showing that he belongs to ‘Halbi’ Scheduled Tribe till issuance of Caste Validity Certificate.

9. Rule is made absolute in the above terms. No order as to costs. Pending application(s), if any, stand(s) disposed of.

(M.W. CHANDWANI, J.)

(M.S. JAWALKAR, J.)