



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

**WRIT PETITION NO. 1712 OF 2021
WITH
WRIT PETITION NO. 6319 OF 2018**

WRIT PETITION NO. 1712 OF 2021

Ramesh S/o Laxman Parate,
Aged about 48 years, Occ. Corporator,
R/o At Post- Dhanki,
Tah. Umarkhed, Dist. Yavatmal. **PETITIONER**

// VERSUS //

- 1) **Joint Commissioner and Vice-Chairman,**
Scheduled Tribe Caste Certificate Scrutiny
Committee, B-wing, 1st Floor,
Dr. Babasaheb Ambedkar Social Justice
Deptt. Camp Road, Amravati - 444606..
- 2) **Collector, Yavatmal.** **RESPONDENTS**

WITH

WRIT PETITION NO. 6319 OF 2018

Ku. Shivani Datta Parate,
Aged about 18 years, Occ. Student,
R/o At Post- Dhanki, Tq. Umarkhed,
Dist. Yavatmal. **PETITIONER**

// VERSUS //

- 1) **State of Maharashtra,**
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.

- 2) **Deputy Director and Member Secretary**, Scheduled Tribe Certificate Scrutiny Committee, Amravati.

.... **RESPONDENTS**

Mr. S. R. Narnaware, Advocate for Petitioner in W.P. No.1712/2021.

Mr. J. S. Wankhede, Advocate for Petitioner in W.P. No.6319/2018.

Mrs. S. S. Jachak, Additional Government Pleader for Respondents in both petitions.

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

DATE ON RESERVING THE JUDGMENT : **10.11.2025**

DATE ON PRONOUNCING THE JUDGMENT : **08.12.2025**

COMMON JUDGMENT : (Per – M. S. JAWALKAR, J.)

1. Heard. **Rule.** Rule is made returnable forthwith. Matters are taken up for final hearing at the stage of admission by consent of the parties and at the request of parties.

2. As both the Petitioners are relative, both the Petitions are taken up to decide together by a common judgment.

3. The Petitioner in W.P. No. 1712/2021 is the Uncle of the Petitioner in W.P. No. 6319/2018. The Petitioners by these

petitions are challenging the orders dated 26.03.2021 and 03.08.2018, passed by the Respondent Caste Scrutiny Committee, Amravati, thereby invalidating the caste claim of the Petitioners to the 'Halbi' Scheduled Tribes, which is enlisted at Sr. No. 19 of the Scheduled Tribes Order, 1950 for the state of Maharashtra.

4. The Petitioner in W. P. No. 1712/2021 was elected as Corporator from the Dhanki Nagar Panchayat, District Yavatmal against a seat reserved for Scheduled Tribe category. The Petitioner has submitted his caste claim to the Respondent Caste Scrutiny Committee for verification on 07.12.2019. The Petitioner has submitted the documents of his father and forefathers pertaining to the pre-independence period belonging to Halbi Scheduled Tribe and also placed on record a family tree showing the relationship with the said persons. The Police Vigilance Cell conducted an enquiry and submitted its report to the Respondent Caste Scrutiny Committee on 25.02.2021. The Petitioner has given his detailed explanation to the said vigilance report on 05.03.2021 and denied the contentions of the said report. The Petitioner earlier has approached to this Court by

filing a Writ Petition No. 2212/2020, for issuance of directions to the Caste Scrutiny Committee to decide the caste claim and accordingly, this Court disposed off the said petition on 11.09.2020 by issuing directions to the Caste Scrutiny Committee to decide the claim of the Petitioner within four months. The Caste Scrutiny Committee has not decided the claim of the Petitioner on stipulated period, so the Petitioner has also filed Contempt Petition No. 27/2021. When the contempt petition was listed before this Court on 31.3.2021, the learned Counsel for the Scrutiny Committee has made a statement that the invalidation order was passed on 26.03.2021 and therefore, the contempt petition was dropped, which order is challenged in this petition. It is worthwhile to note here that the Respondent No. 2 Collector in W. P. No. 1712/2021 vide its order dated 28.07.2021 disqualified the Petitioner from the post of Councilor, Nagar Panchayat, Dhanki with retrospective effect from the date of election i.e. 30.12.2019, for not submitting the caste validity certificate within prescribed period of 12 months.

5. The Petitioner in W. P. No. 6319/2018, after passing out her S.S.C. examination took admission in Shri Sant

Gadgebaba Vimukta Jati Bhatkya Jamati Madhyamik and Uccha Madhyamik (Kala/Vigyan) Ashram School, Dhanki, Tq. Umarkhed, District Yavatmal under Scheduled Tribe category. When the Petitioner studying in 12th standard, the Principal of said college by his letter dated 27.01.2018 referred the caste claim of the Petitioner for verification of her tribe claim as “Halbi” Scheduled Tribe to the Caste Scrutiny Committee. The Petitioner has submitted the documents of her father and forefathers pertaining to the pre-independence period belonging to “Halbi” Scheduled Tribe, which is having great probative value. After forwarding the caste claim of the Petitioner for verification, she has passed out the 12th standard from above college, but for the medical entrance, she has taken gap of one year for succeeding the said medical exam. The Caste Scrutiny Committee served on the Petitioner the Police Vigilance Cell Report vide show cause Notice dated 30.07.2018 and the Petitioner filed her reply to the said notice on 02.08.2018 and denied the said vigilance report. The Caste Scrutiny Committed vide its order dated 03.08.2018 invalidated the caste claim of

the Petitioner only on the ground of migration, affinity test, which is challenged by this petition.

6. In support of their tribe claim, the Petitioners have submitted following documents of pre-constitutional period:

Sr. No.	Description of Document	Caste	Date
1	Birth record of a Male child (Harbaji) born to Maroti Aambu Haalbi	Haalbi	31.05.1941
2	Birth record of a Male child (Namdeo) born to Maroti Aambu Halbi	Haalbi	23.03.1944
3	School record of Laxman Maroti Parate	Halbi	12.06.1950
4	School record of Laxman Maroti Parate	Halba (Hindu)	10.07.1956
5	Birth record of a male child born to Aambu Haalbi (Great Grandfather)	Haalbi	1947

7. The Petitioners further contended that in spite of old documents of 'Halbi' Scheduled Tribe and no contra evidence was produced by the Vigilance Cell, the caste claim of the Petitioners were invalidated violating the principles laid down in *Anand Vs. Committee for Scrutiny and Verification of Tribe Claims and others, (2012) 1 SCC 113*. The Petitioners further submitted that their claims are squarely covered by the above Judgment of the Hon'ble Apex Court.

8. The learned Counsel for the Petitioners relied on the following citations :

- (i) ***Writ Petition No. 7256/2024***, Sauravkumar s/o Sunilkumar Katole Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal with one connected matter, dated 07.08.2025 and
- (ii) ***Priya Pramod Gajbe Vs. State of Maharashtra and others***, reported in ***2023 LawSuit(SC) 816***.

9. Per Contra, the learned Additional Government Pleader for the Respondent Caste Scrutiny Committee in W. P No. 1712/2021 contended that, there are discrepancies in the documents submitted by the Petitioner relating to the date of birth of father of the Petitioner and further the Petitioner has not submitted any corroborative documents, so also in the vigilance nothing has been procured in reference with documents submitted by the Petitioner.

10. The Respondent Caste Scrutiny Committee, in its Reply in respect to the W.P. No. 6319/2018, has relied on the following documents, which are adverse to the claim of the Petitioner:

Sr. No.	Document Type	Name	Relationship with the petitioner	Caste	Date
1	An extract of School admission register entry	Maroti Aabu	Great Grandfather	Halbi	1944
2	An extract of School admission register entry	Shivani Datta Parate	Self	Halba	2007
3	An extract of School admission register entry	Laxman Maroti Parate	Grandfather	Halba Hindu	1956

11. It is the contention of the Respondent Caste Scrutiny Committee that the Petitioners failed to prove Socio-cultural Affinity with the 'Halbi' Scheduled Tribe and therefore the impugned orders dated 26.03.2021 and 03.08.2018 are well reasoned and justifiable. The learned Additional Government Pleader placed reliance on *Writ Petition No.10827/2023, (Priyanka D/o Dilip Rekulwad Vs. The State of Maharashtra and another)*, dated 20.09.2023.

12. Heard learned Counsel for the respective parties at length. Perused the record and proceedings with the assistance of the learned Additional Government Pleader and considered the citations relied upon by the Petitioner.

13. The Petitioner placed on record around six documents, out of which some documents are from the period prior to 1950 showing caste as 'Halbi', 'Haalbi', 'Halba' and 'Haalba'. These documents were rejected by the Caste Scrutiny Committee on the ground that in List of Scheduled Tribes, tribe is written as 'Halba' and 'Halbi' and not 'Haalba' and 'Haalbi'. Admittedly, there are no castes as 'Haalbi' and 'Haalba'. It is also observed by the Scrutiny Committee that ordinary place of residence of the Petitioner is of Dhanki, Tah. Umarkhed, District Yavatmal, which is not a habitation area of Halba and Halbi Scheduled Tribe. It is further contention that invalidation of the caste claim of Sandip Subhash Parate is confirmed up to the Hon'ble Apex Court. In this regard, we have directed the learned Additional Government Pleader to procure the record of Sandip Subhash Parate. On perusal of said record, it is found that the oldest document of 1918 was not before the Scrutiny Committee, while rejecting the caste claim of Sandip Subhash Parate. It is settled position of law that the decision of the Scrutiny Committee would only bind the claimant and would not bind the blood relatives as they are not parties to such

adjudication and the person before the Scrutiny Committee may be able to substantiate his claim by leading cogent and relevant evidence sufficient enough to discharge the burden cast upon him. It would be beneficial to quote the Judgment in ***Writ Petition No. 14111/2021***, (*Mangesh S/o Panditrao Thakur vs. State of Maharashtra*), dated 12/03/2025 with connected matter, wherein in para 13, it is held 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.”

14. The learned Additional Government Pleader fairly conceded that the document of 1918 was not there on the record of Caste Scrutiny Committing while deciding the claim of Sandip Subhash Parate. It is also the contention of the learned Additional Government Pleader that in the family tree given by

the father of the Petitioner, there is no name of Shivani, however, there is a name given as Ramesh Laxman Parate, who is uncle of the Petitioner. Even if, name of Shivani is not appearing in the family tree given by the Laxman Parate, however, her father's name Datta is appearing. The Caste Scrutiny Committee recorded perverse finding that 'Halba' and 'Halbi' were not resident of Umerkhed, District Yavatmal. The Scrutiny Committee failed to appreciate that area restriction 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 and also in view of the Judgment in ***Anand Vs. Committee for Scrutiny and Verification of Tribe Claims & Ors.***, reported in ***(2012) 1 SCC 113***, wherein it is held that affinity test is not a litmus test for the determination of social status of claimant.

15. We have perused the certified copy of document produced on record of the year 1918, which is in respect of Ambu Halbi showing birth record of one son. The residence of said Ambu is shown as Dhanki. It appears that the document of

1918 is not considered by the Caste Scrutiny Committee on the ground that there is a mention of 'Haalbi' (हालबी), however, on perusal of certified copy of the said document, it appears that it is not written as 'Haalbi' but 'Halbi'. There is no sufficient material placed on record by the Scrutiny Committee to rebut the presumption of certified copy produced by the Petitioner. The only remark against this document is that this record not proved authentic in vigilance inquiry. On perusal of vigilance report, there is a reference of this document, however, it is mentioned that the said record is in torn condition. It appears that enquiry was conducted in the year 2021 and certified copy was issued on July 2019. Only because the record is in torn condition, it cannot be the reason to invalidate the claim of the Petitioner.

16. It would be also beneficial to quote the Judgment passed by this Court in ***Writ Petition No. 7419 OF 2024***, (*Javedkha s/o Musakha Pathan Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and others*), dated 13.08.2025, wherein this Court in para 12 held as under :

“12. In the present petition, we have perused the original record produced by the respondent No.1 – Committee. Perusal of the said record shows that the petitioner has produced the certified copies of Kotwal Book showing the entry in the name of great-grand-father Sarfarazkha Husainkha of the year 1955 and entry of the year 1934 in the name of Husainkha Motikha. The said certified copy seems to have been obtained from Tahsil Office, Buldhana in the year 2017. As such, it is surprising how the Vigilance Cell recorded the finding that the concerned officer has denied them to provide same documents for verification vide letter dated 17/08/2023 by stating that documents being torn and in a dilapidated condition. Furthermore, it is expected from learned committee members to record finding as to why the certified copies supplied by petitioner in such circumstances cannot be relied upon. But neither any findings are recorded nor exercised their powers to make enquiries as to how the same authority at one hand issued certified copies to petitioner and refused the access of record to Vigilance Officer. As such, there is total non-application of mind while considering the pre independence era documents.”

In some documents, even if it is written as ‘Haalbi’ it hardly makes any difference and has to be treated as ‘Halbi’. Just because there is a difference in pronunciation of the same caste, the said document cannot be discarded.

17. The learned Counsel for the Petitioners placed reliance on *Sauravkumar s/o Sunilkumar Katole* (supra), wherein this Court relied on on *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others*, reported in *2023 SCC OnLine SC 325*, wherein the Hon'ble Apex Court in para 38 held as under :

“38. Thus, to conclude, we hold that :

(a) Only when the Scrutiny Committee after holding an enquiry is not satisfied with the material produced by the applicant, the case can be referred to Vigilance Cell. While referring the case to Vigilance Cell, the Scrutiny Committee must record brief reasons for coming to the conclusion that it is not satisfied with the material produced by the applicant. Only after a case is referred to the Vigilance Cell for making enquiry, an occasion for the conduct of affinity test will arise.

(b) For the reasons which we have recorded, affinity test cannot be conclusive either way. When an affinity test is conducted by the Vigilance Cell, the result of the test along with all other material on record having probative value will have to be taken into consideration by the Scrutiny Committee for deciding the caste validity claim; and

(c) In short, affinity test is not a litmus test to decide a caste claim and is not an essential part in the process of the determination of correctness of a caste or tribe claim in every case.”

18. The learned Counsel for the Petitioners also placed reliance on the Judgment in **Priya Pramod Gajbe** (supra), wherein the Hon'ble Apex Court in para 9 held as under :

“9. It could thus be seen that this Court has held that documents of the pre-Constitution period showing the caste of the applicant and their ancestors have got the highest probative value. It has also been held that if an applicant is able to produce authentic and genuine documents of the pre-Constitution period showing that he belongs to a tribal community, there is no reason to discard his or her claim as prior to 1950, there were no reservations provided to the Tribes included in the Constitution (Scheduled Tribes) Order.”

19. The learned Additional Government Pleader relied on the Judgment in **Writ Petition No. 10827/2023** (supra), wherein this Court held that the Petitioner deliberately did not show the branch of which the Petitioner is lineal descendant and it is altogether absent in the genealogies provided by some of other person. It was held that the Petitioner was not related to the validity holders, which are sought to be relied upon by her in that matter. In this regard, in the present matter, there is no such false affidavit. The Sandip as well as Shivani are shown as lineal descendant of Ambu. In the family tree given by Laxman Parate

though name of Shivani is not appearing, but her father's name Datta is appearing. Moreover, Ramesh is not claiming any benefit from the claim of Shivani as well as Sandip, as their caste claims were already invalidated. Shivani has challenged her invalidation before this Court vide the Writ Petition No. 6319/2018. As such, the impugned orders passed by the Caste Scrutiny Committee are patently erroneous, perverse and is liable to be set aside. Accordingly, we proceed to pass following order :

- (i) Both the Writ Petitions are allowed.
- (ii) The impugned order dated 26/03/2021, passed in case No. JC/TCSC/AMT/5/510/Elc/122019/160727, and order dated 03.08.2018, passed in case No. सआ/अजप्रतस/अम/शैप्र/4901/18, passed by the Respondent – Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati are hereby quashed and set aside.
- (iii) It is declared that the Petitioners duly established that they belong to “Halbi” Scheduled Tribe.
- (iv) The Respondent Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati is hereby directed to

issue the validity certificates of “**Halbi**” Scheduled Tribe to the Petitioners within a period of three weeks.

20. 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.)

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

Kirtak