



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

WRIT PETITION NO. 1803 OF 2025

Ku. Chetana Pramod Barekar

..VS..

The State of Maharashtra through its Chief Secretary, Mantralaya, Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N. D. Jambhule, Advocate for the Petitioner.

Ms. H. N. Jaipurkar, AGP for the Respondent Nos.1 to 5.

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

DATED : 03rd NOVEMBER, 2025

P C.

1. Heard learned Counsel for the Petitioners and learned Assistant Government Pleader for the Respondent Nos.1 to 5.

2. The reply of Respondent No.5 is on record. The learned Assistant Government Pleader Ms. H. N. Jaipurkar appearing for Respondent No.5 drew our attention to paragraph Nos.20 and 21 of the reply, which are reproduced as under :

“20. Considering the above facts, the Committee is dismissing the applicant’s case on the merits due to lack of sufficient evidence and the original certificate of Scheduled Tribe Mana issued to the applicant by the Sub-Divisional Officer Umred, Dist. Nagpur Revenue Case No. MRC: 40344159993 dated 19.04.2023 is being returned to the applicant.

21. *The petitioner is allowed to re-submit the complete proposal along with the necessary original documents and strong evidence through the computer system on the website www.tribevalidity.mahaonline.gov.in. After that, the committee will examine the applicant's case in the prescribed manner."*

3. In fact, the Caste Scrutiny Committee has to decide the claim in either may to allow or to reject, however, it appears that after remand the matter by this Court, the Caste Scrutiny Committee, by the order dated 18th June, 2024, instead of taking decision, returned the proposal to the Petitioner on the ground that there are no evidence prior to 1950.

4. In view of the Judgment in ***Karishma Imraan Khan Mujawar @ Karishma Jahangir Hazare Vs. the State of Maharashtra & Ors.***, reported in **2023(1) ALL MR 637**, wherein this Court observed in para 6 as under :

"6. Then the Scrutiny Committee records a finding that the Petitioner failed to submit documents before the deemed date i.e. 13th October 1967 of any revenue entry. Now the failure of Petitioner to submit any document post independence era by itself cannot be a negating factor against the Petitioner. The Scrutiny Committee is expected to assess the material whichever available and it is not the case that the Petitioner made an erroneous statement before the Committee such as though the Petitioner is possessing certain documents of pre-independence era and then failed to submit these documents before the Scrutiny Committee."

5. In view of this judgment, the failure of the Petitioner to submit any document pre independence era by itself cannot be a negating factor against the Petitioner. The Scrutiny Committee is expected to assess the material which is available before it.

6. As such the impugned order passed by the Caste Scrutiny Committee, Nagpur dated 21/08/2024 is hereby quashed and set aside. The Petitioner is permitted to resubmit the proposal with documents online to the Caste Scrutiny Committee within a period of two weeks.

7. After submission of the proposal, the Caste Scrutiny Committee – Respondent No.5 is hereby directed to decide the claim of the Petitioner specifically keeping in mind the judgment passed by this Court in ***Karishma Imraan Khan Mujawar @ Karishma Jahangir Hazare Vs. the State of Maharashtra*** (supra) within a period of eight weeks

8. During pendency the claim of the Petitioner before the Caste Scrutiny Committee, the Respondent No.6 is directed not to cancel the admission of the Petitioner.

The Writ Petition stands disposed of with these directions. No order as to costs.

(M.W. CHANDWANI, J.)

(M.S. JAWALKAR, J.)