



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

WRIT PETITION NO. 2896 OF 2024

Mr. Prathamesh S/o Vikram Banne,
Age 21 years, Occ. Student,
R/o Dipak Chowk, Hamunam Vasti,
Akola, Tq. and Dist. Akola.

.... **PETITIONER**

// VERSUS //

- 1) The Schedule Tribe Certificate Scrutiny
Committee, Amravati Division, Amravati,
Through its Deputy Director and
Member Secretary, Having office at
Irwin Chowk, Amravati.
- 2) Sub-Divisional Officer,
Akola.

.... **RESPONDENTS**

Mr. Ashwin Deshpande, Adv. for the petitioner.
Mr. A. M. Kadukar, AGP for the respondents.

**CORAM : MRS. M. S. JAWALKAR AND
RAJ D. WAKODE, JJ.**

DATE : 08/10/20205.

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

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

2. The Petitioner by this Petition is challenging the order dated 16.02.2024 passed by the Respondent No. 1 Scheduled Tribe Certificate Scrutiny Committee, Amravati (for short the “Scrutiny Committee”) thereby invalidating the caste claim of the Petitioner to the ‘Mannewar’ Scheduled Tribe mentioned at Sr. No. 18 of the Constitution (Schedule Tribe) Order, 1950, and further confiscating and cancelling the Caste Certificate issued to the Petitioner by the Sub-Divisional Officer, Akola on 16.07.2019.

3. It is the contention of the Petitioner that he has cleared his 12th class examination from Khandelwal Gyan Mandir Junior College of Science and Commerce, Akola and his proposal of caste claim was forwarded by the Principal of the said College to the Respondent No. 1 Committee on 10.12.2019. In support of his caste claim, the Petitioner submitted following documents of Pre-constitutional period:

Sr. No.	Description of Document	Caste/Tribe	Date
1	Transfer Certificate of Ratanbabu Bijanna Aatmaram	Mannewar	16.10.1942
2	Birth Certificate of Ratanbabu Bijanna	Mannewar	30.10.1936
3	Dakhal Kharij Extract of Madhukar	Telgu Mannewar	07.06.1939

	Laxman Banne		
4	Birth extract of Bhudevi Shivanna Mannewar	----	05.06.1936

4. Since the caste claim of the Petitioner had not been decided by the Respondent No. 1 Committee within a reasonable period, the Petitioner filed a Writ Petition No. 2501/2020 before this Court seeking directions to Respondent No. 1 Committee to decide the caste claim of the Petitioner in time bound manner. This Court, vide its order dated 18.02.2021, directed the Respondent No. 1 Committee to decide the caste claim of the Petitioner within a period of two months from the date of order.

5. It is further contended that however, despite clear order from this Court, the Respondent No. 1 Committee failed to decide the caste claim of the Petitioner within a time bound manner. Therefore, the Petitioner was constrained to file a Contempt Petition No. 229/2021, which is pending before this Court. In the meanwhile, the Police Vigilance Cell conducted inquiry and submitted its report to the Respondent No. 1 Committee on 11.10.2021, whereby the Petitioner was issued a show cause notice on 27.09.2021 by the Respondent No. 1 Committee. The Petitioner appeared before the Committee and submitted his detailed explanation on 14.10.2021.

6. It is further submitted by the Petitioner that the Respondent No. 1 Committee by its order dated 18.10.2021, rejected the caste claim of the Petitioner and the same was challenged by the Petitioner before this Court vide Writ Petition No. 141/2022 on 06.12.2022. Accordingly, this Court remanded the matter back to the Respondent No. 1 Committee to decide the caste claim of the Petitioner afresh after giving opportunity to file documents vide order dated 17.07.2023.

7. Thereafter, the Respondent No. 1 Committee conducted fresh inquiry through the Vigilance Cell and issued show cause notice to the Petitioner on 26.10.2023. The Petitioner remained present for the hearing on 17.11.2023, and after hearing the Respondent No. 1 Committee, vide its order dated 16.02.2024 invalidated the caste claim of the Petitioner and further cancelled the caste certificate issued to him by the Respondent No. 2. The Respondent No. 1 Committee further ordered to initiate action under Section 10 (1)(2) and section 11 (1)(2) of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of

Issuance and Verification of) Caste Certificate Act, 2000, which order is challenged in this writ Petition.

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

- (i) ***Khushali d/o Devidas Lade Vs. State of Maharashtra & Anr.***, reported in **2024(3) Mh.L.J. 160** and
- (ii) ***Writ Petition No.7256/2024 (Sauravkumar s/o Sunilkumar Katole Vs. The Schedule Tribe Caste Certificate Scrutiny Committee, Yavatmal)***, dated **07.08.2025** with connected matter.

9. As against this the Respondent No. 1 Committee has relied on the following documents procured by the Vigilance Cell in its inquiry, which are adverse to the claim of the Petitioner:

Sr. No	Docum-ent Type	Name	Relationship with the petitioner	Caste	Date
1	Death Extract	Saynna Ballaiya	Great Grandfather	Telangi (Upper Caste)	12.06.1931
2	Death Extract	Balram Ballaiya	Great Grandfather	Telangi (Upper Caste)	12.03.1932
3	Extract of Birth Record	A Male child shown to have born to Ballaiya Shivaiyya	Great Great Grandfather	Telangi	20.07.1936

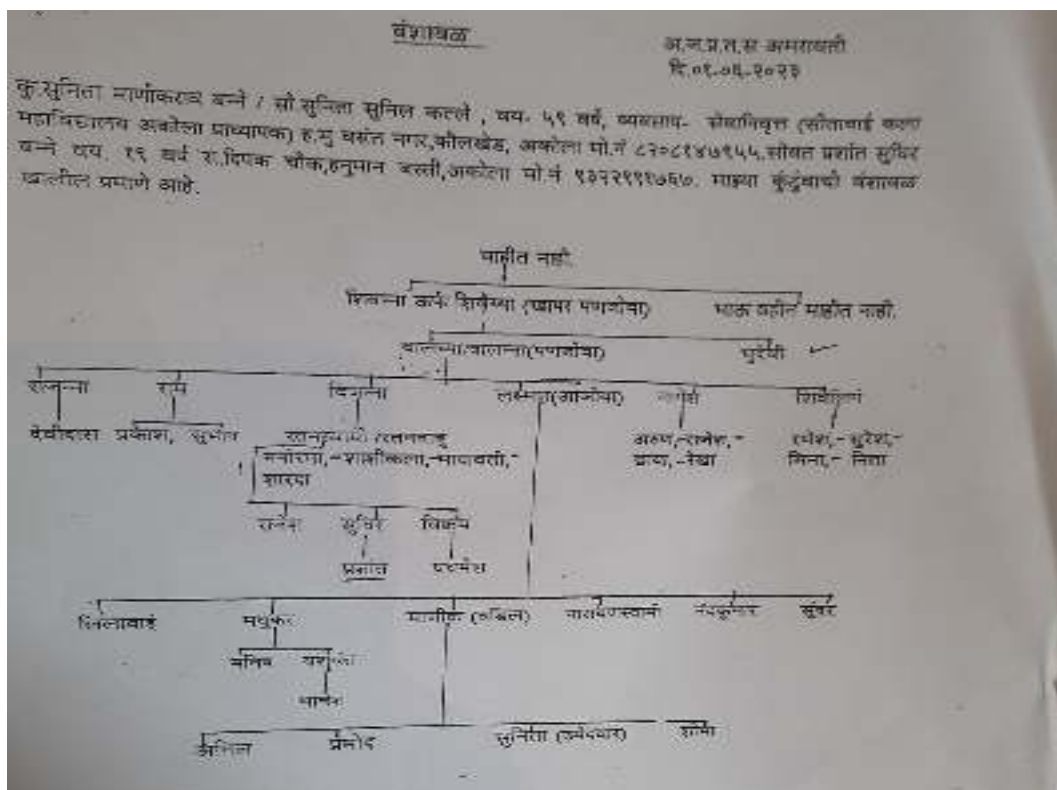
10. The Respondent No. 1 Committee further relied on certain adverse entries which were obtained by Vigilance Officer during the course of enquiry of Ku. Sunita Manik Banne (Petitioner's cousin paternal aunt). In these documents the caste was found to be recorded as Telangi, Telgu, Telangi Dhobi, Telagu Mannewar, Hindu Telagu Mannewar, and Telangu, pertaining to the years 1936, 1941, 1942, 1948, 1949, 1950, 1951, 1970, 1971, 1972, 1975 & 1980.

11. The Respondent No. 1 Committee contended that the Petitioner did not prove his Tribe claim to be 'Mannewar' and on the basis of documents procured by the Vigilance Cell showing caste as 'Telangi' or 'Telgu', the tribe claim of the Petitioner was rightly rejected by the Respondent No. 1 Committee.

12. Heard both the parties at length. Perused the impugned order, record and proceedings of the Caste Scrutiny Committee and considered the citations relied on by the learned counsel for the petitioner.

13. To consider the relation between the petitioner and his forefathers, the genealogical tree is reproduced as under:

Genealogical Tree



14. The petitioner produced birth certificate of Ratanbabu Bijanna Atmaram showing entry of 'Mannewar' dated 30/10/1936 (Page-145), which is a birth certificate of Ratanbabu. He has also placed on record extract of Dakhal Kharij Register of Madhukar Laxman Banne showing entry as 'Telgu Mannewar' dated 07/06/1939 (Page-146), issued by Principal, New English High School, Akola. The petitioner further relied on death extract of Bhudevi Shivanna Mannewar dated 07/06/1936 (Page-147). He has also placed on record school transfer certificate (Page-144) pertaining to Ratanbabu

Bijanna Atmaram, showing entry “Mannewar”, dated 16/10/1942 (Page-144). There is other document of School Leaving Certificate mentioning admission date as 20/06/1946 in respect of cousin grandfather Madhukar Laxman showing entry ‘Telgu Mannewar’.

15. The Vigilance Cell procured some documents showing entry ‘Telangi’, ‘Telgu’, ‘Telgu Mannewar’. Out of these documents, 1936 document pertaining to Shivamma w/o Balaiyya Telangi is in respect of wife of great grandfather, which cannot be taken into consideration by the Scrutiny Committee. Similarly, entries in the documents at Sr.Nos.6, 9, 10, 11, 12 and 13 also cannot be considered by the Scrutiny Committee on the ground that they are not in relation from paternal side. It appears that the Caste Scrutiny Committee relying only on the basis of the documents procured by the Vigilance Cell, wrongly invalidated the tribe claim of the petitioner. As now discussed the documents produced by the petitioner, wherein there are birth extracts of Ratanbabu Mannewar and Ratanbabu Bijanna Atmaram of 1936 and 1942 respectively, wherein the entry is of ‘Mannewar’. The Scrutiny Committee has only discussed the

documents procured by the Vigilance Cell. In the said documents also 7 to 8 entries are of female members, which cannot be relatives in terms of Rule 2(h) of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012. The second reason for invalidating the tribe claim of the petitioner is that there are relatives of the petitioner, whose tribe claim was rejected by the Scrutiny Committee. However, it was not challenged before this Court. The relatives are Sunita Manik Banne, Prashant Sudhir Banne, Bhavesh Yashwant Banne and therefore, those orders of Scrutiny Committee were attained finality.

17. The learned counsel for the petitioner placed reliance on the case of **Khushali d/o Devidas Lade Vs. State of Maharashtra & Anr.** (*supra*), wherein this Court in similar circumstances held as under:

“11. The fact remains that 'Telugu' is not identified as a caste in any of the statutory provisions or otherwise. 'Telugu' is the official language spoken by the people like petitioner's family members and declared in the Eighth Schedule appended to the

Constitution of India. Similarly, 'Manyawar', 'Telugu Manyawar' and 'Telugu' are not castes recognized in any of the public documents which can be said to be other than the scheduled tribes. In such an eventuality, the observations of the Committee that the documents contain tribe entries as 'Telugu', 'Telugu Manyawar' and 'Manyawar' cannot be relied on for the purposes of rejecting the tribe claim of the petitioner.

12. Rather the entries in the documents which are relied upon by the petitioner duly depicts that the same pertain to the pre-Constitutional era and it has more evidentiary and probative value. All the documents produced by the petitioner point out that her ancestors were belonging to 'Mannewar' and as such the said fact fortifies her claim of belonging to 'Mannewar' Scheduled Tribe. As such, the old document of 1934 can be safely relied on for the purposes of grant of tribe validity certificate in favour of the petitioner.

13. Apart from above, though a finding is recorded by the Committee that the petitioner has failed to satisfy the affinity test, the fact remains that the satisfaction of the affinity test can be considered to be in aid for the purposes of further confirmation of the claim for grant of validity. The Apex Court had an occasion to consider the reliance to be placed by the Committee in the matter of grant of validity certificate based on the affinity test.”

18. Similar view is already taken by this Court in the judgment in **Writ Petition No.360 of 2022 (Surendra Murlidhar Kopulwar v. The State of Maharashtra and others)** dated 19/10/2022 by relying on the judgment in the case of **Shri Anil**

Ramdas Mede v. State of Maharashtra, 2004 (4) ALL MR 639,

this Court held in para-3 as under:

“3. So far as the finding recorded by the Scrutiny Committee that there are confusing entries relating to the paternal side of the petitioner in the pre-constitutional documents, we are of the view that there is no confusion whatsoever in these entries. All these entries, particularly the entries of the dates of 10-7-1924 and 20-10-1934, clearly show that the paternal aunt and the cousin grandfather of the petitioner belonged to 'Manewar' community, which has been later on declared to be a Scheduled Tribe. In some other pre-constitutional documents, the ancestors of the petitioners have been shown to be 'Telangi' or 'Telgu Manewar' or 'Telgu'. It is well settled that 'Telgani' is the region of which the community 'Manewar' is native, while 'Telgu' is the language spoken by the community 'Manewar', now the Scheduled Tribe. A useful reference in this regard can be made to the view taken by this Court in the case of *Shri Anil Ramdas Mede Vs. State of Maharashtra*, reported in 2004(4) ALL MR 639. It then follows that all the pre-constitutional documents on which reliance has been placed by the petitioner reasonably and sufficiently support the claim of the petitioner of his belonging to 'Manewar', Scheduled Tribe. This aspect of the matter, vital for determination of the issue involved in this case, has been completely ignored by the Scrutiny Committee and, therefore, the impugned order passed by the Committee is not sustainable in the eye of law.”

The petitioner has not denied that the documents showing entries of persons were procured by the Vigilance Cell are in relation of the petitioner.

19. So far as the ground for invalidation of tribe claim of the petitioner that the claims of the relatives of the petitioner were rejected by the Scrutiny Committee and there was no challenge to the same. The learned counsel for the petitioner relied on judgment in **Writ Petition No.7256 of 2024** (*supra*), wherein this Court relying on the judgment of *Mangesh s/o Panditrao Thakur v. The State of Maharashtra in Writ Petition No.14111 of 2021 and other connected matters* by Aurangabad Bench, 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."

20. The learned AGP submitted that while rejecting the documents considered by the Committee in its post invalidation order dated 18/10/2021, relied on the entry of Balaiyya Shivayya's birth of 1936 and the death entry of Sayanna Balaiyya of 1931. However, it is well settled law that there cannot be any addition by the Vigilance Cell or the Committee to add 'upper caste' words in the document in relation to the tribe. The Caste Scrutiny Committee also rejected the claim on the basis of affinity test. While coming to the conclusion that the petitioner has not clear the affinity test, there is no standard format to come to this conclusion. There is no specific standard that what are the custom, culture and tradition of Mannewar Scheduled Tribe. In view of the judgment in **Anand v. Committee for Scrutiny and Verification of Tribe Claims and**

others, 2011 (6) Mh.L.J., wherein Hon'ble Apex Court held as

under :

“22. It is manifest from the aforeextracted paragraph that the genuineness of a caste claim has to be considered not only on a thorough examination of the documents submitted in support of the claim but also on the affinity test, which would include the anthropological and ethnological traits, etc., of the applicant. However, it is neither feasible nor desirable to lay down an absolute rule, which could be applied mechanically to examine a caste claim. Nevertheless, we feel that the following broad parameters could be kept in view while dealing with a caste claim:

- (i) While dealing with documentary evidence, greater reliance may be placed on pre-Independence documents because they furnish a higher degree of probative value to the declaration of status of a caste, as compared to post-Independence documents. In case the applicant is the first generation ever to attend school, the availability of any documentary evidence becomes difficult, but that ipso facto does not call for the rejection of his claim. In fact, the mere fact that he is the first generation ever to attend school, some benefit of doubt in favour of the applicant may be given. Needless to add that in the event of a doubt on the credibility of a document, Its veracity has to be tested on the basis of oral evidence, for which an opportunity has to be afforded to the applicant.
- (ii) While applying the affinity test, which focuses on the ethnological connections with the Scheduled Tribe, a cautious approach has to be adopted. A few decades ago, when the tribes were somewhat immune to the cultural development happening around them, the affinity test could serve as a determinative factor. However, with the migrations, modernisation and contact with other communities, these communities tend to develop and adopt new traits which may not essentially match with the traditional characteristics of the tribe. Hence, the affinity test may not be regarded as a litmus test for

establishing the link of the applicant with a Scheduled Tribe. Nevertheless, the claim by an applicant that he is a part of a Scheduled Tribe and is entitled to the benefit extended to that tribe, cannot per se be disregarded on the ground that his present traits do not match his tribe's peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies, etc. Thus, the affinity test may be used to corroborate the documentary evidence and should not be the sole criteria to reject a claim.”

21. In view of this, the impugned order passed by the Scrutiny Committee is patently erroneous and contrary to the dictum laid down by this Court as well as Hon'ble Supreme Court in various decisions. The impugned order is therefore liable to be quashed and set aside. Accordingly, we pass the following order.

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 16/02/2024, passed by the Respondent No.1–Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati in case No. सआ/अजप्रतस/अम/5/501/Edu/112019/160232 is hereby quashed and set aside.

- (iii) It is held and declared that the petitioner is duly established that he belongs to “Mannewar” Scheduled Tribe.
 - (iv) The Respondent No.1–Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati is hereby directed to issue validity certificate of “Mannewar” Scheduled Tribe to the Petitioner within a period of three weeks.
 - (v) The petitioner can rely on this judgment till the certificate is issued in his favour for any purposes.
22. Rule is made absolute in the above terms. No costs.

(RAJ D. WAKODE, J.)

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