



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

WRIT PETITION NO. 6518 OF 2022

Akshay S/o Ashok Sonkusare,
Aged about 26 years, Occ.- Student,
R/o. Khadakpura Ward, Umarched,
Tq. Umarched, District – Yavatmal.

.... **PETITIONER**

// **VERSUS** //

**The Schedule Tribe Caste Certificate
Scrutiny Committee,**
through its Member Secretary and
Deputy Director, Sanna Building,
Opp. Govt. Rest House,
Camp Amravati – 444 601.

.... **RESPONDENT**

WITH

WRIT PETITION NO. 2059 OF 2022

Prashant S/o Prabhakar Sonkusare,
Aged about 37 years, Occ.- Service,
R/o. Arjun Apartment, 501
Wing-A, Near Shitalamata Mandir,
Krushnaarpan Colony, Amravati.

.... **PETITIONER**

// **VERSUS** //

**The Schedule Tribe Caste Certificate
Scrutiny Committee,**
through its Member Secretary and
Deputy Director, Sanna Building,
Opp. Govt. Rest House,
Camp Amravati – 444 601.

.... **RESPONDENT**

Mr. Ashwin Deshpande, Advocate for Petitioners.

Mr. Amit Joshi, Assistant Government Pleader for Respondents.

**CORAM : MRS. M. S. JAWALKAR AND
PRAVIN S. PATIL, JJ.**

DATE : 03rd JULY, 2025.

ORAL JUDGMENT :- (Per : M. S. JAWALKAR, J.)

1. Heard. **Rule.** Rule made returnable forthwith.
2. Matters are taken up for final hearing at the stage of admission by consent of the parties and on request of the parties.
3. By the Writ Petition No.6518/2022, the Petitioner Akshay S/o Ashok Sonkusare and by the Writ Petition No.2059/2022, the Petitioner Prashant S/o Prabhakar Sonkusare challenges the impugned order dated 12.10.2021, passed by the Scheduled Tribe Caste Scrutiny Committee, Amravati thereby invalidated the Caste Certificate of the Petitioners as they belong to “Halbi” Scheduled Tribe.
4. In Writ Petition No.6518/2022, the Petitioner’s real sister by name Renu D/o. Ashok Sonkusare was granted Caste Validity Certificate by this Court vide Judgment dated 28.07.2023 in Writ Petition No.1099/2023, this Court declared that she belongs to “Halbi” Scheduled Tribe by setting aside the Judgment dated 07.10.2022, passed by the Schedule Tribe Caste Certificate

Scrutiny Committee, Yavatmal. The Judgment of this Court is attained finality. The Petitioner in Writ Petition No.6518/2022 is the real brother of Renu D/o. Ashok Sonkusare. There is no dispute over the genealogy (page 126A of the Petition). As such, the Petitioner is entitled to get declaration that he belongs to “Halbi” Scheduled Tribe.

5. In Writ Petition No.2059/2022, the Petitioner Prashant S/o Prabhakar Sonkusare is also claiming he belongs to “Halbi” Scheduled Tribe. Renu D/o. Ashok Sonkusare Petitioner in Writ Petition No. 1099/2023 is cousin sister of Petitioner. In this matter genealogy (page 124 of the Petition) is also not disputed. As such, the Petitioner is entitled to be declared that he belongs to “Halbi” Scheduled Tribe in view of the Judgment passed in Writ Petition No.1099/2023.

6. Learned Assistant Government Pleader appearing for Caste Scrutiny Committee fairly conceded that the State was about to challenge the judgment in Renu D/o. Ashok Sonkusare, however, there is no further Appeal or Special Leave Petition filed before the Hon’ble Apex Court challenging the judgment in Writ Petition No.1099/2023. As such, it has attained finality. In the

Judgment in *Apoorva D/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others*, reported in *2010(6) Mh.L.J. 401*, wherein the Hon'ble Apex Court held in para 7 as under :

“7. We thus come to the conclusion that when during the course of enquiry the candidate submits a caste validity certificate granted earlier certifying that a blood relation of the candidate belongs to the same caste as that claimed by the applicant, the committee may grant such certificate without calling for Vigilance Cell Report. However, if the committee finds that the earlier caste certificate is tainted by fraud or is granted without jurisdiction, the Committee may refuse to follow and may refuse to grant certificate to the applicant before it. ”

In the above referred judgment the Hon'ble Apex Court held that when any blood relative is issued with a validity certificate after due vigilance inquiry, then the Petitioner in that case is entitled to get his validity certificate of the same caste. There is no allegation of any fraud or fabrication. As such, we proceed to pass the following order :

- (i) Both the Writ Petitions stand allowed.
- (ii) Petitioner – **Akshay S/o Ashok Sonkusare** in Writ Petition No.6518/2022 and Petitioner – **Prashant S/o**

Prabhakar Sonkusare in Writ Petition No.2059/2022, are hereby declared that they belongs to “Halbi” Scheduled Tribe.

(iii) The impugned order dated 12.10.2021, passed by the Scheduled Tribe Caste Scrutiny Committee, Amravati is hereby quashed and set aside.

(iv) The Scheduled Tribe Caste Scrutiny Committee, Amravati is hereby directed to issue Caste Validity Certificate as both the Petitioners belong to “Halbi” Scheduled Tribe within a period of four weeks.

Both the Writ Petitions stand disposed of in the above terms. No order as to costs.

(PRAVIN S. PATIL, J.)

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