



J-WP-2273-24

1/15

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

WRIT PETITION NO.2273 OF 2024

Sharayu D/o Ramesh Hedao,
Aged about years, Occ.-Service,
R/O B-70, Jalda, R.B.I. Quarters,
P. Balu Marg, Prabhadevi,
Mumbai-400025

... Petitioner

-vs-

1. The Scheduled Tribe Caste Certificate
Scrutiny Committee, through its
Member Secretary and Deputy Director,
Dist. Amravati
 2. The General Manager,
Reserve Bank of India, Human Resource
Management Department, Central Office, 20th floor, Central Office
Building, Shahid Bhagatsingh Marg,
Mumbai 400001.
- ... Respondents

Shri Ashwin Deshpande, Advocate for petitioner.
Shri A. V. Palshikar, Assistant Government Pleader for respondent No.1.

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

ARGUMENTS WERE HEARD ON : 23rd September, 2025

JUDGMENT PRONOUNCED ON : 24th November, 2025

JUDGMENT : (PER : RAJ D. WAKODE, J.)

Heard Shri Ashwin Deshpande, learned counsel for the petitioner and Shri A. V. Palshikar, learned Assistant Government Pleader for respondent No1.

2. **Rule.** Rule made returnable forthwith. Heard finally with the consent of learned counsel appearing for the parties.

3. The petitioner seeks challenge to the impugned order dated 06/03/2024 passed by the respondent No.1-Scheduled Tribe Caste Certificate Scrutiny Committee (hereinafter referred to as 'the Committee' for the sake of brevity) thereby invalidating the caste-claim of the petitioner towards 'Halbi' Scheduled Tribe.

4. The brief facts which are undisputed leading to the present petition are as follows.

The petitioner claims to be belonging to Tribe 'Halbi' which is recognised as Scheduled Tribe in the State of Maharashtra and is included at Sr.No.19 in the Constitutional Scheduled Tribes Order, 1950. The petitioner in order to substantiate her claim has placed on record caste certificate dated 11/07/2019 issued by the Sub Divisional Officer, Achalpur in Form-C (record page 77, Annexure-2).

5. The petitioner was appointed on the post of Officer in Grade-'B' (Direct Recruit) by the employer respondent No.2-General Manager, Reserve Bank of India. The aforesaid fact is substantiated by the order of appointment dated 08/12/2020 placed on record by the petitioner at record page 115 (Annexure-4). Thus, the petitioner is in need of the validity certificate for the purpose of service. Since the petitioner was appointed on the post reserved for Scheduled Tribe category,

respondent No.2- employer forwarded caste-claim of the petitioner for verification to the respondent No.1-Committee vide communication dated 01/09/2022.

6. The petitioner submitted various documents in support of her tribe-claim out of which two documents were pre-constitutional pertaining to her grandfather and cousin grandfather wherein the caste is recorded as 'Halbi' in the year 1932 and 1925 respectively. The petitioner has also relied upon the caste validity certificate issued to her paternal cousin brothers.

The respondent No.1-Committee forwarded the caste-claim of the petitioner to the police vigilance cell for enquiry. The police vigilance cell conducted home, school and revenue enquiry and submitted vigilance report on 28/08/2023. The police vigilance cell procured one pre-constitutional document pertaining to Bulki wife of Vailaji i.e. great great grandmother of the petitioner wherein her caste is recorded as 'Koshti' on 29/05/1929. The police vigilance cell also opined that the petitioner has failed to prove her affinity towards 'Halbi' Scheduled Tribe. Since the vigilance cell report was adverse to the claim of the petitioner, the respondent No.1 issued a show cause notice on 28/08/2023 to the petitioner. In response to the aforesaid show cause notice, the petitioner submitted detail explanation on

20/09/2023. The respondent No.1-Committee issued notice to the petitioner to remain present for hearing on 13/09/2023.

7. The respondent no.1-Committee after considering the reply submitted by the petitioner and relying on the vigilance cell report, invalidated the caste-claim of the petitioner vide order dated 06/03/2024 which is impugned in the present writ petition.

8. Shri Ashwin Deshpande, learned counsel for the petitioner submitted that the petitioner has substantiated her tribe-claim towards 'Halbi' Scheduled Tribe by placing on record caste validity certificates issued to her paternal cousin brothers viz. Milindkumar Ukardaji Hedao and Pradip Ukardaji Hedao who were granted validity certificates by virtue of the judgments of this Court dated 06/06/2016 and 27/01/2023 respectively. He further submitted that the petitioner has placed on record the pre-constitutional documents pertaining to the years 1925 and 1932 wherein caste is recorded as 'Halbi' and thus the respondent No.1-Committee was not at all justified in rejecting the caste-claim of the petitioner relying upon the entry of 'Koshti' and that too pertaining to great great grandmother which was not permissible in law. The learned counsel also argued that the respondent-Committee has rejected the caste-claim of the petitioner relying upon the affinity

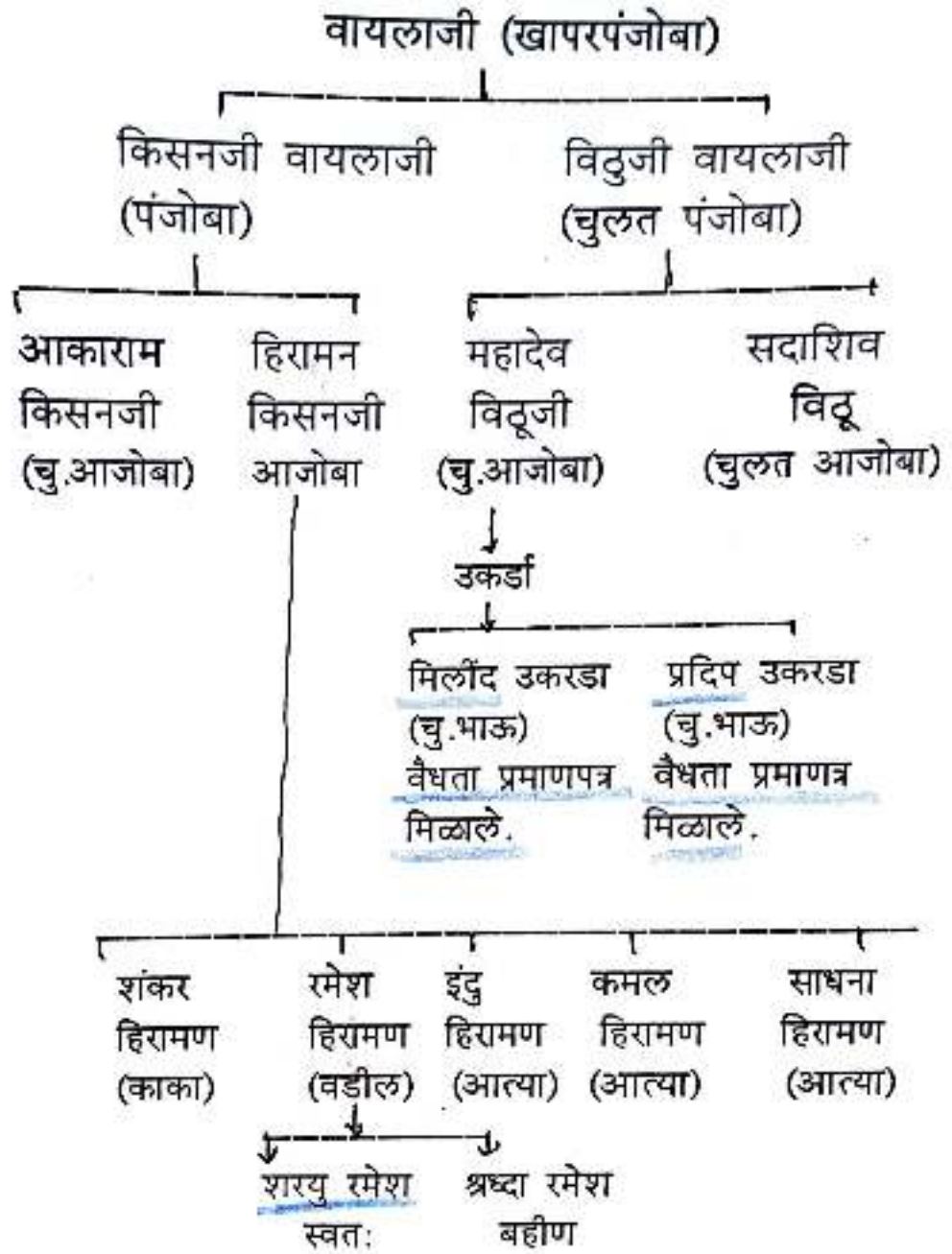
test which is unsustainable in the eyes of law and hence the present petition deserves to be allowed and the impugned order deserves to be quashed and set aside by the Court.

9. Shri Alap Palshikar, learned Assistant Government Pleader for respondent No.1-Committee supported the impugned order. He invited our attention to the document dated 29/05/1929 pertaining to the great great grandmother of the petitioner wherein her caste is recorded as Koshti. He also pointed out that the caste-claim of paternal cousin sister and paternal aunt of the petitioner was invalidated by the respondent-Committee and the said invalidation was never challenged by them which has attained finality. The said fact proves that the family of the petitioner does not belong to 'Halbi' Scheduled Tribe and hence the Committee has rightly rejected the caste-claim of the petitioner.

In view of above, the learned Assistant Government Pleader contended that the present writ petition lacks merit and deserves to be dismissed by this Court.

10. We have heard both the parties and perused the record of the Committee. The documents which are relied upon by the petitioner are verified from the record. The police vigilance cell during the

enquiry has procured genealogical tree of the petitioner which is reproduced by the respondent No.1-Committee in its order dated 06/03/2024 in para 8. Typed copy of the said family tree is at record page-36-C which is reproduced below :



11. Perusal of the aforesaid family tree would reveal that the father of the petitioner is Ramesh, grandfather is Hiranman, great grandfather is Kisanji and great great grandfather is Vailaji. The respondent No.1-Committee in paragraph 2 of its order has mentioned the list of various documents submitted by the petitioner in support of her tribe claim. Out of aforesaid documents, two documents at Sr.Nos.5 and 8 are pre-constitutional wherein the caste is recorded as 'Halbi'. The document at Sr. No.5 is school leaving extract dated 12/04/1932 of Hiranman Kisan Hedao i.e. grandfather of the petitioner (record page 134 Annexure-8). Similarly, document at Sr. No.8 is also school leaving extract dated 04/04/1925 in respect of Akaram Kisanji Hedao who is cousin grandfather of the petitioner wherein caste is recorded as 'Halbi' (record page 139 Annexure-10).

It is well settled law that the pre-constitutional documents have higher degree of probative value for declaration of status of caste as compared to post independence document. Thus, respondent No.1-Committee was not at all justified in ignoring the aforesaid two pre-constitutional documents pertaining to years 1925 and 1932. The Committee has rejected the aforesaid documents on the basis of a stray contra entry dated 29/05/1929 (death entry) pertaining to Bulki wife of Vailaji wherein her caste is recorded as 'Koshti'. The aforesaid document though is a pre-constitutional document, the fact remains

that the same is pertaining to the great great grandmother of the petitioner who does not belong to the paternal side of the petitioner as she has come from different family and hence the said document should not have been considered by the respondent-Committee. It would be pertinent to refer the term 'Relative' defined in Rule 2(h) of the Maharashtra Scheduled Caste, 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 (for short, the Rules of 2012) which reads thus :

2(h) 'Relative' means a blood relative from paternal side of the applicant as per the genealogy, except any particular tribes which has been notified by the Government from Nomadic Tribes and any particular caste or tribes as notified by the Government from time to time.

12. Thus, the aforesaid definition makes it clear that a relative of the applicant means a blood relative from paternal side of the said applicant as per the genealogical tree. Thus, respondent No.1-Committee was not at all justified in rejecting the pre-constitutional documents pertaining to paternal side in favour of the petitioner relying upon a document which was not at all pertaining to her paternal side and hence the impugned order deserves to be quashed

and set aside by this Court.

13. The petitioner in support of her tribe-claim has also relied upon the validity certificate issued to her paternal cousin brother viz. Milindkumar Ukardaji Hedao and Pradip Ukardaji Hedao. The aforesaid validity certificates are issued by the respondent No.1-Committee on 26/08/2016 (record page 170 Annexure-18) and on 04/07/2023 (record page 171). It is noted that both the aforesaid validity certificates are issued by the respondent-Committee in pursuance of judgments of this Court in Writ Petition No.703/2008 (*Milindkumar Ukardaji Hedao vs. State of Maharashtra and ors.*) dated 06/06/2016 and in Writ Petition No.782/2010 (*Pradeep S/o Ukardaji Hedao vs. State of Maharashtra and anr.*) dated 27/01/2023 respectively. Thus, the co-ordinate Bench of this Court after considering the entire documents and various other parameters has come to the conclusion that the petitioner's cousins belong to 'Halbi' Scheduled Tribe and has accordingly directed respondent No.1-Committee to issue validity certificate to them.

14. Shri Ashwin Deshpande, learned counsel for the petitioner vehemently argued that respondent No.1-Committee in compliance of the judgment of this Court in *Apoorva d/o Vinay Nichale vs. Divisional*

Caste Certificate Scrutiny Committee No.1 and ors. 2010 (6) Mh.L.J. 401, should have issued the validity certificate in favour of petitioner specifically when the petitioner has established her tribe-claim by producing the old documents of prior to 1950 on record showing tribe of her forefathers as 'Halbi'. This Court in paragraph 27 of the judgment dated 07/08/2025 in Writ Petition No.7256/2024 (*Sauravkumar s/o Sunilkumar Katole vs. The Schedule Tribe Caste Certified Scrutiny Committee, Yavatmal with connected writ petition*) has observed thus :

“ 27.This Court in the matter of *Apoorva d/o Vinay Nichale* (supra) has held as under :

“9. ...In the circumstances, we are of the view that the committee which has expressed a doubt about the validity of caste claim of the petitioner and has described it as a mistake in its order, ought not to have arrived at a different conclusion. The matters pertaining to validity of caste have a great impact on the candidate as well as on the future generations in many matters varying from marriage to education and enjoyment, and therefore where a Committee has given a finding about the validity of the caste of a candidate another committee ought not to refuse the same status to a blood relative who applies. A merely different view on the same facts would not entitle the committee dealing with the subsequent caste claim to reject it. There is, however, no doubt as observed by us earlier that if a committee is of the view that the earlier certificate is obtained by fraud it would not be bound to follow the earlier caste validity certificate and is entitled to refuse the caste claim and also in addition initiate proceedings for cancellation of the earlier order.”

15. Shri Palshikar, learned Assistant Government Pleader invited

our attention to the reasons given by the Committee as to issue No.7 regarding the validity certificate submitted by the petitioner. The respondent-Committee has held that the caste-claim of the cousin sister of the petitioner viz. Nisha Vinayakrao Hedao and real paternal aunt viz. Jyoti Hiranman Hedao has been invalidated by the respondent No.1-Committee vide its orders dated 12/06/2001 and 26/05/2017 respectively. Shri Palshikar further submitted that both the orders of invalidation were never challenged by the aforesaid paternal relatives of the petitioner and hence those orders have attained finality. In view of aforesaid invalidation accepted by paternal relatives of the petitioner, it is evident that the petitioner does not belong to 'Halbi' Scheduled Tribe and hence the documents produced by the petitioner in support of her tribe-claim has been rightly rejected by the respondent No.1-Committee.

16. Shri Ashwin Deshpande, learned counsel for the petitioner per contra relied on the judgment of this Court in Writ Petition No.7256/2024 (supra) wherein this Court while dealing with the similar issue has held in paragraphs 21 and 22 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.”

17. Learned counsel submitted that in view of aforesaid judgment of this Court, the respondent-Committee was not at all justified in relying on invalidation of other paternal relatives of the petitioner and hence the impugned order deserves to be set aside on this ground also.

18. Shri Palshikar, learned Assistant Government Pleader has invited our attention to the reasoning of the respondent-No.1 Committee as to issue No.2 i.e. whether the petitioner has proved her affinity towards ‘Halba/Halbi’ Scheduled Tribe. The Committee has recorded a finding that during hearing and during the course of vigilance cell enquiry, the information furnished by the petitioner relating to her customs, she could not prove her socio cultural affinity with ‘Halbi’ Scheduled Tribe.

On this count, Shri Deshpande, learned counsel for the petitioner submitted that the Honourable Apex Court has held that the

affinity test is not a litmus test to decide the caste-claim and in the process of the determination of correctness of a caste. To substantiate his argument, Shri Deshpande relied upon the judgment of the Honourable Apex Court in *Maharashtra Adiwasī Thakur Jamat Swarakshan Samiti vs. State of Maharashtra and ors.* **2023 (2) MHLJ 785** wherein it is held thus :

“(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.”

19. Learned counsel for petitioner also relied on *Priya Pramod Gajbe vs. State of Maharashtra and others*, **2023 SCC OnLine SC 909**, wherein Hon’ble Apex Court relied on citation in *Anand vs. Committee for Scrutiny and Verification of Tribe Claims*, **(2012) 1 SCC 113**, wherein the Hon’ble Apex Court, held in paragraph No.22 as under:

“22. (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, modernization 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."

20. In view of aforesaid discussion, we are of the considered opinion that the respondent No.1-Committee is not at all justified in rejecting the pre-constitutional documents pertaining to the years 1925 and 1932 wherein the caste of forefathers of the petitioners is recorded as 'Halbi' relying upon the stray entry of 'Koshti' pertaining to great great grandmother which is in violation of Rule 2(h) of the Rules of 2012 and also on the basis of the affinity test which is also against the law settled by the Honourable Apex Court in the case of *Maharashtra*

Adiwasi Thakur Jamat Swarakshan Samiti (supra).

21. Hence for the aforesaid reasons, we are of the considered opinion that the impugned order dated 06/03/2024 passed by the respondent No.1-Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati invalidating the caste-claim of the petitioner towards 'Halbi' Scheduled Tribe is unsustainable in the eyes of law and hence deserves to be quashed and set aside. Therefore we proceed to pass the following order :

ORDER

- (i) The Writ Petition is allowed.
- (ii) The order dated 06/03/2024 passed by the respondent No.1-Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati in प्रकरण क. सआ/अजप्रतस/अम/503/Ser/032022/205447 invalidating the caste-claim of the petitioner is hereby quashed and set aside.
- (iii) It is hereby declared that the petitioner belongs to 'Halbi' Scheduled Tribe category.
- (iv) The respondent No.1-Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati is directed to issue the validity certificate to the petitioner towards 'Halbi' Scheduled Tribe within a period of four weeks from the date of receipt of this order.
- (v) Rule is made absolute in aforesaid terms with no order as to costs.

(Raj D. Wakode, J.)

(Smt M. S. Jawalkar, J.)