



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

WRIT PETITION NO. 6500 OF 2022

1. Pratibha D/o Prabhakar Sonkusare,
Aged about 36 years, Occ. Housewife,
R/o Arjun Apartment, 501, Wing-A, Near
Shitalamata Mandir, Krushnaarpan Colony,
Amravati
2. Ku. Pranali D/o Ashok Sonkusare,
Aged about 22 years, Occ. Student,
R/o Khadakpuraward, Umerkhed, Tq.
Umarkhed, Distt. Yavatmal
3. Ku. Prajakta D/o Ashok Sonkusare,
Aged about 24 years, Occ. Student,
R/o 401, Rajyog Apartment, Bharat Nagar,
Amravati Road, Nagpur

...Petitioners

// 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

Ms. Rashi Nagrare, Advocate for the petitioner.
Shri G.S.Umale, AGP for the respondent/State.

**CORAM : SMT. M.S.JAWALKAR &
PRAVIN S. PATIL, JJ.**

DATED : 31st JULY, 2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

Heard. **Rule.** Rule made returnable forthwith. Heard finally
by consent of the parties.

2. By this petition, the petitioners are challenging the order dated 12th October, 2021, passed by the respondent no.1 – The Schedule Tribe Caste Certificate Scrutiny Committee, Amravati whereby caste claim of the petitioners belong to ‘Halbi’ Scheduled Tribe is rejected.

3. It is the submission of the petitioner that on 13th November, 2010, the petitioners submitted the proposal through the College alongwith the relevant documents to the respondent-Caste Scrutiny Committee. Petitioners have relied upon the pre-independence documents which clearly demonstrate that caste of forefather as ‘Halbi’. It is further stated that after the Vigilance Cell report, the petitioners have tendered their explanation and clarify that the documents which they are relying upon are having probative value and the same are pre-independence era.

4. It is stated by the petitioners that one Shri Akshay Ashok Sonkusre is cousin brother of the petitioners. His caste claim was also submitted to the respondent no.1-Committee, accordingly, the Caste Scrutiny Committee by common order dated 12th October, 2021 decided the caste claim of the petitioners along with Shri Akshay Sonkusre. Said

Akshay Sonkusre approached to this Court by filing separate petition, this Court while deciding the caste claim of Shri Akshay Sonkusre in Writ Petition No. 6518 of 2022 by recording the reasons which are at paragraphs 5 and 6 allowed the petition. The same are reproduced here:

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.....”

5. As such, this Court on the basis of aforesaid observation, declared that said Shri Akshay Ashok Sonkusre belongs to 'Halbi' Scheduled Tribe and directed the respondent – Caste Scrutiny Committee to issue caste validity certificate to him.

6. In the present matter relation of petitioners with Shri Akshay Ashok Sonkusre as a cousin brother is not disputed. Present petitioners are the other applicants of the common order passed by respondent no.1 - Committee. Hence, once the order in respect of one applicant namely Akshay Sonkusre is set aside, the same needs to be quashed and set aside for present petitioners also. Hence, we proceed to pass the following order :

- i. Writ Petition is allowed;
- ii. The petitioners are hereby declared that they belongs to "Halbi" Scheduled Tribe;

iii. The impugned order dated 12th October, 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 to petitioners as they are belonging to 'Halbi' Scheduled Tribe, within a period of four weeks.

The writ petition stands disposed of. No order as to costs.

[PRAVIN S. PATIL, J.]

[SMT. M.S.JAWALKAR, J.]