



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

WRIT PETITION NO. 1857 of 2025

Ku. Dhanashri Jagdish Randaye .. **Petitioner**
Age about 21 years, Occupation-Student,
Indira Gandhi Ward, Hinganghat,
At PO + Tah: Hinganghat, District Wardha-442 301
[e-mail.vanashrirandaye@gmail.com](mailto:vanashrirandaye@gmail.com)
Mobile No. 8080600042
versus.

1. State of Maharashtra, through its Chief Secretary, .. **Respondents**
Mantralay, Mumbai-400 032.
cs@maharashtra.gov.in
2. The Additional Chief Secretary (Services),
The State of Maharashtra,
Mantralay, Mumbai-400 032.
psec1.mph-@nic.in
acs.gadservices@maharashtra.gov.in
3. The Principal Secretary,
Tribal Development Department,
Mantralay, Mumbai-400 032.
email.sec.tribal@maharashtra.gov.in
4. The Commissioner TRTI Cum Chairman,
The Scheduled Tribe Certificate Scrutiny
Committee Cum 28, Queens Garden,
Pune-411 001.
email.trti-mh@nic.in
5. The Joint Commissioner cum Vice-Chairman,
The Scheduled Tribe Certificate Scrutiny Committee,
Giripeth, Nagpur-440 010.
email.tcsnagpur@gamil.com

Mr. Narayan Dinbaji Jambhule, Advocate for petitioners.
Mr Tajwar Khan, Assistant Government Pleader for respondent nos.1 to 5.

CORAM :- NITIN W. SAMBRE AND M. M. NERLIKAR, JJ.

DATE :- 8th JULY, 2025

ORDER (Per M.M.Nerlikar, J.)

Heard learned counsel for the parties.

2. Challenge in the petition is to the order dated 04.07.2023 passed by the respondent – Scheduled Tribe Certificate Scrutiny Committee, Nagpur, whereby the tribe claim of the petitioner of belonging to ‘Mana’ Scheduled Tribe came to be negated.

3. The petitioner got admission in a College on a seat reserved for Scheduled Tribe category from where her tribe claim was referred for verification. It appears that the petitioner was issued caste certificate on 30.12.2020 by the Sub-Divisional Officer, Hinganghat, District Wardha, as that of belonging to ‘Mana’ Scheduled Tribe. In support of her claim for issuance of validity, the petitioner has placed documents and also the family tree before the Committee. The petitioner has relied on the oldest documents of 12.09.1940 and 26.06.1941 in relation to grandfather-Gangaram s/o Tukaram. The petitioner has also placed on record certain other entries to demonstrate that she belongs to ‘Mana’ Scheduled Tribe.

4. Since the Committee *prima facie* was not satisfied about the genuineness of the claim of the petitioner, the Vigilance Cell enquiry was caused and all the adverse material was made available to the petitioner. The petitioner’s father thereafter submitted explanation to the Vigilance Cell report on 01.12.2022 and denied the adverse material which was brought to their notice.

Accordingly, after hearing the petitioner the order impugned rejecting the tribe claim came to be passed by the Committee.

5. Mr. Jambhule, learned counsel appearing for the petitioner would invite attention of this Court to the family tree. According to him, the

petitioner was born to one Jagdish. Gangaram was her grandfather, whereas Tukaram was her great-grandfather. Similarly, it is claimed that Mahadeo was cousin grandfather of the petitioner.

According to Mr. Jambhule, there is enough documentary evidence produced on the record in the form of school entries, revenue entries, etc. so as to establish and justify the aforesaid relationship. He would claim that the oldest entries of 12.09.1940 and 26.06.1941 speak of the caste 'Mana' in relation to her grandfather, viz. Gangaram. That being so, he would further claim that since the pre-Constitutional era documents will have more probative value for 'Mana' Scheduled Tribe status, the petitioner has discharged the burden under Section 8 of the Maharashtra Scheduled Caste, Scheduled Tribes, De-notified Tribes (Vimukta Jati), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of issuance and verification of) Caste Certificate Act, 2000 (for short, 'the Act of 2000').

6. As against above, learned Assistant Government Pleader, Ms Khan, would oppose the prayers made in the petition. According to her, once the petitioner has admitted her relationship with Mahadeo, the document of 1945 in respect of Mahadeo speaks of the caste 'Kunbi'. The only explanation forthcoming from the petitioner was that such entry was recorded by mistake as Mahadeo belongs to 'Mana' Scheduled Tribe only. She would further invite our attention to the entries in school record of Nehru Primary School, Nagar Parishad, Hinganghat at Serial Nos.2170 and 2170A in relation to Gangaram in. According to her, Gangaram s/o Tukaram was admitted on 12.09.1940 in the first standard at Serial No.2170, who claimed to be 'Mana'. She would further claim that at Serial No. 2170A

another entry of Gangaram was found, who claimed to have been admitted also in the first standard on 26.06.1941. Both these candidates by name Gangaram have left the school on 31.12.1940 and 30.11.1943 respectively. First Gangaram left the school in 1940 in first standard, whereas the second Gangaram whose entry is at Serial No.2170A has left the school in second standard. She would invite attention to the entry of birth in relation to Mahadeo Tukaram Bhiwa Randaye of the year 1938 where caste is recorded as 'Kunbi'. As such, it is claimed that the petitioner has failed to discharge the burden. Rather, the documents speak of the petitioner belonging to 'Kunbi' OBC.

7. We have considered the rival claims.

8. Issuance of the caste validity is governed by the provisions of the Act of 2000 viz. Maharashtra Act 23 of 2001 and the Rules of 2003 framed thereunder.

Section 8 of the Act of 2000 provides for the burden of proving a person belonging to Scheduled Tribe or Scheduled Caste shall be on such claimant/applicant.

Apart from above, the Rules of 2003 contemplates a procedure to be adopted in the matter of deciding the claim for validity. Sub-rule (f) of Rule 2 which defines 'relative' including relative of the paternal side of the applicant. The petitioner in this case has relied on the documents in relation to the relatives who are from the paternal side.

Rule 10 provides for constitution of Vigilance Cell, which is required to work in aid of the Committee for deciding the tribe claim. After the

Scheduled Tribe certificate is obtained, the same is subjected to verification. While in the process for verification, the documents provided under Rule 11 are required to be submitted in support of the claim. The Committee thereafter is required to adopt the procedure as provided under Rule 12 of the Rules of 2003.

9. The petitioner, who claims to be belonging to 'Mana' Scheduled Tribe, is required to submit not only the documents in respect of father but also other documents such as revenue record/school entries, etc. as provided under Rule 11.

10. On receipt of the application by the Scrutiny Committee, upon perusal of the information submitted along with the documentary evidence, if the Committee is not satisfied with the documentary evidence, it is referred the matter to the Vigilance Cell for conducting school, home and other enquiry.

The procedure further contemplates that the Vigilance Officer is required to take field enquiry by visiting the original place from where the claimant/applicant belongs, collect information/facts about social status of the claimant, parents or the guardian and to examine the parents/guardian or the applicant for the purpose of verification. The report of the Vigilance Cell which is submitted to the Committee post scrutiny has to be made available to the applicant if the Committee is not satisfied with the claim, which in turn cause notice to the candidate along with the copy of the Vigilance Cell report and documents.

11. In the aforesaid backdrop, it appears that there are two entries in the school record in relation to Gangaram s/o Tukaram in Nehru Primary School, Nagar Parishad, Hinganghat, at serial nos. 2170 and 2170A, which reflect the caste 'Mana'. These two Gangarams are shown to have left the School in first and second standard viz. 1940 and 1943 respectively. Their admissions to first standard is of 12.09.1940 and 26.06.1941. As such, it is for the petitioner to demonstrate as to which of these two Gangarams is related to her which she has failed to. Even it is not her case that both these persons by name Gangaram are one and the same person and she is related to Gangaram whose entries are reflected therein.

The entry at Serial No.2170A ought not to have been carried out by inserting the entry to that effect. As such entry at serial no. 2170 A is in addition to regular Dakhal Kharij Register No. 2170 which appears to be contrary to the Rules which are providing for the maintenance of the record.

From the very same school, another person namely Mahadeo s/o Tukaram appears to have been admitted at Serial No. 2797 on 04.07.1945. Mahadeo is shown to be the petitioner's cousin grandfather, whereas Tukaram as her great-grandfather.

12. In such an eventuality, a query about such entry of Mahadeo was put to the petitioner through the Vigilance Cell and the petitioner has admitted through a reply to the Vigilance Cell that said Mahadeo is related to her; however, the only explanation forthcoming was that the entry of caste 'Kunbi' in relation to Mahadeo was by mistake.

13. The fact remains that the said entry of pre-Constitutional era will have more probative value. It is for the petitioner to explain the aforesaid

infirmities in the pre-Constitutional era documents, particularly in regard to Gangaram s/o Tukaram and Mahadeo s/o Tukaram, in view of the mandate provided under Section 8 of the Act of 2000. The petitioner has failed to discharge the burden to that effect.

14. We are also sensitive to the observations rendered by the Full Bench of this Court in paragraph No.17.7 in the matter of *Maroti Vyankati Gaikwad and others vs. Deputy Director and Member-Secretary, The Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and others* reported in **[2023 (6)ABR 419]** which reads as under:

“17.7. It would thus be clear that any claim by any tribe, sub-tribe or parts of such tribe or sub-tribe whether having any similarity, prefix/suffix, synonymity, with the name of the tribe as mentioned in the Presidential (ST) Order 1950, of being included in such Scheduled Tribe, would not be permissible. No enquiry in respect of such a claim is permissible. No enquiry of any nature whatsoever is permissible with reference to any material, whatever it may be and in whatever form, to interpret or construe the entries in the Presidential (ST) Order 1950, which have to be read as it is. The Scheduled Tribe 'Mana', in Entry 18, has to be read as only and only 'Mana', and not as an umbrella or community and therefore tribes with similar/synonymous names or names with prefix/suffix to 'Mana' cannot claim any social status of a Scheduled Tribe. Thus persons belonging to tribes or sub-tribes such as 'Badwaik Mana', 'Khand Mana', 'Kshatriya Mana', 'Kshatriya Badwaik Mana', 'Kunbi Mana', 'Maratha Mana', 'Gond Mana', 'Mani'/'Mane', 'Mane Ku', 'Mana Ku', 'Ku Mana', 'Mana Kunbi', 'Patil Mana', etc. cannot be held to be included in the Scheduled Tribe 'Mana', in entry 18 in the Presidential (ST) Order 1950 and thus cannot claim the status of a Scheduled Tribe.”

15. Apart from the above, we have also perused the reply to the affinity test given by the petitioner in the Vigilance Cell. On two certain queries, the petitioner has given illogical and unacceptable reply, which, in our opinion, also gives rise to the suspicion as to whether the petitioner belongs to

genuine 'Mana' tribe.

16. Having noticed that the petitioner has not made out a case by discharging the burden under Section 8 of the Act of 2000, so also not demonstrated that she belongs to 'Mana' Scheduled Tribe based on pre-Constitutional documents, we are not inclined to interfere with the order impugned. As such, the petition fails and the same stands dismissed. No order as to costs.

(M.M.NERLIKAR, J.)

(NITIN W. SAMBRE, J.)

Andurkar.