



Judgment

wp2711.19

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

**WRIT PETITION NO. 2711/2019.**

Kartik s/o Bandu Kohad,  
Aged about 17 years, Occupation –  
Student, through father Bandu  
Rambhau Kohad, Aged about 49  
years, Occupation -  
resident of Pipri (Meghe), Tahsil and  
District Wardha.

... **PETITIONER.**

**VERSUS**

1.The Scheduled Tribe Caste Certificate  
Scrutiny Committee, through its  
Member-Secretary, Giripeth,  
in front of R.T.O. (City),  
Nagpur.

... **RESPONDENT.**

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Ms R.Nagrare, Advocate h/f. Shri A. Deshpande, Advocate  
for the Petitioner.  
Mr. A.M. Kadukar, A.G.P. for the Respondent.  
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**CORAM :** **NITIN W. SAMBRE**  
**AND M.M. NERLIKAR, JJ.**

**DATE :** **JULY 11, 2025.**

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**ORAL JUDGMENT (PER M.M. NERLIKAR, J.) :**

Heard. Rule. Rule is made returnable forthwith and by consent of learned Counsel appearing for the parties, the matter is taken up for final disposal.

2. By this petition, the petitioner questions the legality and validity of the order dated 25.01.2019 passed by the respondent – Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur (hereinafter referred to as “the Scrutiny Committee” for short), by which the tribe claim of the petitioner as belonging to “Halbi Scheduled Tribe” came to be invalidated.

3. **Facts** necessary for deciding the present petition are as under :

The petitioner, who was minor and a student in the year 2019 and therefore, the petition is filed through by his father being his guardian. The petitioner has sought a declaration as belonging to Halbi Scheduled Tribe category, with a further direction to the

respondent Scrutiny Committee to issue validity certificate as he belongs to Halbi Scheduled Tribe in his favour.

4. The petitioner has applied to the competent Authority for issuance of caste certificate i.e. the Sub Divisional Officer, Wardha and accordingly the said authority has issued a caste certificate in his favour on 10.10.2016. The said caste certificate came to be forwarded to the Scrutiny Committee by the Principal, Bajaj College of Science, Wardha vide letter dated 11.10.2017, since petitioner, at the relevant time, was prosecuting his studies in the said college. In support of his claim, the petitioner has submitted as many as 22 documents to the Scrutiny Committee.

5. The petitioner further contends that the Scrutiny Committee has informed him to submit a new caste certificate in Form-C and new Namuna 'F'. Accordingly, the petitioner applied to the Sub Divisional Officer, Wardha and the Sub Divisional Officer on 20.06.2018 and said Authority issued new caste certificate in his favour in Form-C. On 22.06.2018, the petitioner submitted the said

new caste certificate in Form-C to the Scrutiny Committee. It is further contended that the Scrutiny Committee again asked details of family tree in Namuna 'F', as per 'CC' on 14.05.2018. After complying with the procedural aspects, the proposal of petitioner for scrutiny and verification was accepted by the respondent Scrutiny Committee. Enquiry was conducted by the Police Vigilance Cell and report was submitted to the Scrutiny Committee. Pursuant to this, the respondent Scrutiny Committee issued a show cause to the petitioner on 01.07.2018. Along with the said show cause notice, police vigilance cell report was also forwarded to the petitioner, calling upon him to remain present on 02.07.2018 and to submit his reply on the said report. Accordingly, the petitioner remained present and submitted his reply to the show cause notice on 02.07.2018.

6. After hearing the petitioner, the Scrutiny Committee invalidated the claim of the petitioner as belonging to Halbi Scheduled Tribe on 02.07.2018. The petitioner challenged this order of invalidation by filing Writ Petition No.7568/2018 before the Principal Seat at Bombay. It is submitted that all the matters

pertaining to admission to Medical Courses were transferred to the Principal Bench at Bombay as per the directions of the Hon'ble Supreme Court. This Court heard the matter and vide its judgment and order dated 26.07.2018 remanded the matters to the Scrutiny Committee for fresh decision. This Court also directed the petitioner to appear before the Scrutiny Committee on 28.09.2018, with a further direction to the Committee to decide the claim of the petitioner by 31.01.2019.

7. Accordingly, the petitioner appeared before the Scrutiny Committee on 28.09.2018 and submitted his detailed explanation. Again hearing was conducted on 19.01.2019 and after hearing the petitioner, the Scrutiny Committee came to the conclusion that the petitioner does not belong to Halbi Scheduled Tribe. The Committee therefore, invalidated the tribe claim of the petitioner vide order dated 25.01.2019, which is subject matter of challenge in this petition.

8. The learned Counsel appearing for the petitioner submits that as many as 22 documents were produced before the Scrutiny

Committee in support of the tribe claim of the petitioner. The details of which are as under :

| <b>Sr.No</b> | <b>Particulars.</b>                                                             | <b>Date</b> |
|--------------|---------------------------------------------------------------------------------|-------------|
| 1.           | Copy of original affidavit of father of petitioner.                             | 17.01.2018  |
| 2.           | Copy of School Leaving Certificate of petitioner.                               | 29.06.2006  |
| 3.           | Copy of College Leaving Certificate of petitioner.                              | 27.06.2016  |
| 4.           | Copy of Birth Certificate of petitioner.                                        | 03.10.2000  |
| 5.           | Copy of Aadhar Card of petitioner.                                              |             |
| 6.           | Copy of Bank Pass Book of petitioner.                                           |             |
| 7.           | Copy of Bonafide Certificate issued by School and Junior College of petitioner. | 11.10.2017  |
| 8.           | Copy of School Transfer Certificate of father of petitioner.                    | 12.07.1978  |
| 9.           | Copy of Scheduled Tribe Certificate of father of petitioner.                    | 20.06.2018  |
| 10.          | Copy of Aadhar Card of father of petitioner.                                    |             |
| 11.          | Copy of Bank statement of father of petitioner.                                 |             |
| 12.          | Copy of House Tax Receipt of father of petitioner.                              | 14.11.2017  |
| 13.          | Copy of School Transfer Certificate of Beby Ramaji Kohad i.e. paternal aunt.    | 17.02.1972  |

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|-----|-----------------------------------------------------------------------|-------------|
| 14. | Copy of birth certificate of grand father of petitioner as 08.09.1934 | 06.07.1995  |
| 15. | Copy of death certificate of grandfather of petitioner.               | 16.11.2015  |
| 16. | Copy of birth certificate extract of great grandfather of petitioner. | 04.04.1929  |
| 17. | Copy of original affidavit of father of petitioner.                   | 10.05.2018  |
| 18. | Copy of original certificate of Scheduled Tribe of petitioner.        | 20.06.2018  |
| 19. | Copy of certificate of Scheduled Tribe of petitioner.                 | 10.10.2016. |
| 20. | Copy of original affidavit of father of petitioner.                   | 22.06.2018  |
| 21. | Copy of birth entry of Dayaram Halbi having one male child.           | 04.01.1937  |
| 22. | Copy of attested affidavit of father of petitioner.                   | 15.01.2019  |

9. She has further submitted that the Committee has failed to consider the oldest documentary evidence which are of the year 1929, 1934 and 1937. She further submits that the Committee has rejected the tribe claim only on the ground that the petitioner and/or his relatives failed to establish the affinity test. Further she has submitted that the Committee ought not to have gone into the affinity

test and reject the claim of the petitioner of Halbi Scheduled Tribe solely on the basis of affinity test. It is further submitted that the documents which were submitted by the petitioner are of pre-independence era and having high degree of probative value to decide the status of a caste.

10. The learned A.G.P. appearing for the respondent Committee on the other hand has supported the judgment and order of the Committee and submitted that the petitioner has produced many genealogy/family trees from time to time, as per his convenience. It is further submitted that the petitioner failed to pass the affinity test. Not only that, the petitioner has not cooperated with the Committee, as well as the vigilance officer, who has conducted the affinity test. He has further submitted that the preexisting documents which are produced on record, cannot prove the tribe claim of the petitioner. He has further submitted that the petitioner failed to discharge the burden cast upon him under Section 8 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 Act, 2000 (hereinafter referred to as “the 2000 Act” for short).

11. We have considered the rival submissions of both the parties, gone through the record, as well as appreciated the oral arguments advanced by the parties. The petitioner has submitted as many as 22 documents and also some genealogies. Out of these 22 documents, three documents are of pre-independence era having high degree of probative value. Therefore, it is necessary to deal with the same and their evidentiary value.

The genealogies submitted by the father of the petitioner [Bandu Kohad] are inconsistent and are changed frequently. No corroborative documents were submitted for the included names. Bandu Kohad submitted a genealogy of family members on numerous occasions -

- (i) Family tree submitted on 29.07.2013 shows Bhivaji

Kohad had a son named Dayaram Kohad, who was having two children, one girl - Malubai and one son – Rambhau Dashrath @ Dayaram Kohad. Rambhau has four children namely – Bandu, Anil, Rupesh and Baby. Further Bandu has two children namely Kalyani and Kartik Kohad.

- (ii) Family tree dated 14.10.2016, submitted by Kalyani Kohad, who is sister of the petitioner, shows that Dashrath Kohad was having a son namely Rambhau @ Ramji, who further has only son namely Bandu. Thus, the family tree does not match and infact omits major relations with blood relatives with the one submitted by Bandu Kohad on 29.07.2013.

- (iii) Family tree dated 17.01.2018 and 22.06.2018 submitted by Baby and Bandu shows Dashrath having one child namely Rambhau @ Ramji. Ramji was having only two children namely Bandu and Baby. The person named

Baby was not mentioned in any of the two family trees submitted on earlier occasions.

(iv) Family tree dated 02.07.2018 submitted by Bandu shows further modification with regard to the children of Rambhau @ Ramji. It shows that Ramji was having four children namely – Bandu, Baby, Sanjay and Raju. These names are in stark contradiction to the document of family tree submitted on 29.07.2013. The names, as well as number of children of Rambhau @ Ramji are different and distinct. It is required to be noted that except Bandu, there is no other name that has been consistent with regard to the children of Rambhau @ Ramji.

(v) Family tree submitted by Bandu on 15.01.2019 mentioned at page no.38 of the order, shows that Bandu and Baby are children of Rambhau @ Ramji, and there is no mention of other names, as submitted on the above given dates.

12. The above discussion clearly shows that there are discrepancies included variations in the number of children listed and changes in the names of ancestors, across different submissions. The Scrutiny Committee has observed that the genealogical record appears to have been deliberately altered to align with preexisting documents of the year 1929, 1934 and 1937, suggesting an attempt to fabricate lineage in support of the caste claim. Moreover, multiple birth certificates were produced as supporting evidence, including the one pertaining to daughter of Dasaru Bhiwa Halbi of the year 1929, which was not referred in any of the genealogies submitted, and lacked a corresponding death record. Another reference was of the son of Dayaram Halbi, born in the year 1937, which is also absent from the earlier genealogies. Upon verification, the Naib Tahsildar, Deoli declared these documents obsolete, noting that the original registers needed for confirmation were either missing or in a deteriorated condition. Therefore, considering the above facts and circumstances, it can be said that the petitioner has failed to prove documents and has also failed to discharge the burden under Section 8 of the 2000 Act.

13. It is further required to be noted that the documents submitted by the petitioner and his father has interchangeably used the caste 'Halbi' and 'Halba'. There are inconsistencies regarding mention of Scheduled Tribes, as both Halbi and Halba are two different and distinct tribes included on 06.09.2015 in the Constitution Scheduled Tribe Order, 1950. For example, the transfer certificate and service book from Lokmanya Tilak Primary School mentions the caste as 'Halba', whereas in the application submitted for grant of caste certificate it is mentioned as 'Halbi'. Not only that, it has come on record through vigilance cell report that the record of Lokmanya Tilak Primary School was manipulated by writing 'Halbi' word.

14. During investigation by the vigilance cell, statement of one Kashirao Ukhandrao Varhale, a 72 year old resident of Kachnur was recorded. He has affirmed that no individual belonging to the Halba, Halbi or Koshti communities had ever lived in or had migrated from the village. This statement was further supported by the Gram

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Panchayat record, which shows that no evidence of anyone named Dayaram, Dashrath or Rambhau Kohad from those communities had resided in Kachnur. Therefore, from the above discussion it can be said that no conclusive tribe is mentioned in the certificates of the petitioner, his father or other relatives. Further they have failed in the affinity test, which can be gathered from the report of the police vigilance cell. Thus, there is no conclusive document to ascertain that the petitioner belongs to a particular tribe.

15. It is to be noted that during home enquiry, the vigilance team made efforts to gather information about petitioner's cultural practices, festivals and community customs. However, father of petitioner and other family members were not cooperating in the same, and failed to provide any relevant details in this regard. Additionally, surnames used by the petitioner as 'Kohad' and 'Sonkusare' were identified as being commonly associated with Kothi caste, rather than with Halbi Scheduled Tribe.

16. It is pertinent to note that the petitioner has submitted a

school leaving certificate indicating caste as 'Halbi', which was purportedly issued to his grandfather - Rambhau @ Ramji. However, upon verification, the Principal of Zilla Parishad Higher Primary School, Kachnur confirmed that the school has not issued any such certificate. His further statement reveals that the entry No.468, cited in the document, actually belong to a different student namely Suresh Mahadev Hiwale, who was identified to be belonging to Maratha caste. Additionally, entry No.468, was not found in the school register for the year 1934, and it was noted that printed certificates were not in use during that period. It is further noted that the ink used in the questioned entry differs from others on the same page, and the signatures do not match with the authentic school record.

17. In view of above discussion, we find that the petitioner has failed to discharge the burden cast on him and failed to establish his case for issuance of validity. The Scrutiny Committee has right appreciated the documents and material placed before it, the order impugned therefore, needs no interference. Writ Petition is thus

dismissed, with no order as to costs.

**JUDGE**

**JUDGE**