



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

WRIT PETITION NO. 3610 OF 2022

Ankita D/o Dhananjay Dandekar,
Aged about 26 years, Occ.- Student,
R/o. Devrankar Nagar, Near MSEB
Office, Samarth High School Road,
Amravati.

.... **PETITIONER**

// VERSUS //

The Vice-Chairman/Member Secretary,
Scheduled Tribe Caste Certificates
Scrutiny Committee, Amravati.

.... **RESPONDENT**

Ms. Preeti Rane, Advocate for the Petitioner.
Mr. A. M. Kadukar, AGP for the Respondent.

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

DATE ON RESERVING THE JUDGMENT : 09.09.2025.
DATE ON PRONOUNCING THE JUDGMENT : 16.09.2025

JUDGMENT : (Per – SMT. M. S. JAWALKAR, J.)

1. Heard. **Rule.** Rule is made returnable forthwith. Matter is taken up for final hearing at the stage of admission by consent of the parties and at the request of parties.

2. The Petitioner, by this Petition, is challenging the impugned order dated 23/08/2021; passed by the Respondent – Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati whereby invalidated the caste claim of the Petitioner, as “Mana” Scheduled Tribe.

3. The Petitioner claims to be belonging from 'Mana' Schedule Tribe and forwarded her caste claim to the Respondent-Committee along with necessary documents on 20.01.2011. Among the documents submitted by Petitioner, she has annexed certain pre-constitutional documents such as the Extract of Dakhal Kharij Register of grandfather namely Maroti Atmaram (1929/1936/1941), Extract of birth of daughter born to great grandfather namely Atmaram Mana (1925), Extract of birth of daughter born to great grandfather namely Atmaram Mana (1927) along with Family tree dated 26.2.2019.

4. The vigilance cell of the Scrutiny Committee conducted an inquiry in relation to the caste claim of the Petitioner and submitted its 1st report on 27.07.2012, to which the Petitioner sent her reply dated 29.07.2012.

5. The learned Counsel for the Petitioner relied on the following citations :

(i) ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others***, reported in ***2023(2) Mh.L.J. 785***;

(ii) ***Writ Petition No.4237/2022*** along with another connected matter (*Dnyaneshwar S/o Shankarrao Dongare Vs. The Vice-Chairman/Member Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and others*), dated ***11/08/2025***.

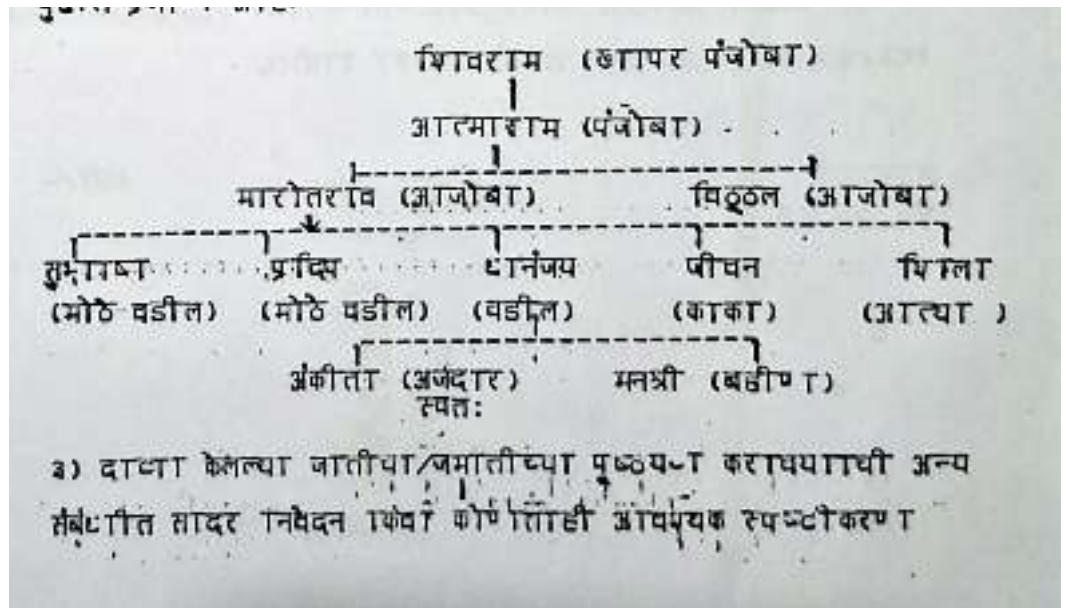
9. As against this, the Respondent-Committee, in its reply contended that during the course of enquiry the Vigilance Cell has obtained certain documents which are adverse to the claim of petitioner. These documents were found to be recorded in the name of Sivram (Great Great Grandfather of petitioner), Maruti Aatmaram (Grandfather of petitioner), and Jivan Maraottrao (Paternal Uncle of petitioner), and their caste is found to be recorded as Mana Khaira (Kunbi), Mana Kunbi Maratha and Hindu Mane in the years 1921, 1944, and 1976.

10. The Respondent has contended that these documents are from pre-constitutional period and they possess great probative value

while deciding the tribe claim of the Petitioner. Furthermore, the Respondent contended that the pre-constitutional documents submitted by the Petitioner of certain family members is not consonance with the genealogy tree submitted by Petitioner on 20.06.2018 and therefore the Petitioner failed to prove her socio-cultural affinity with 'Mana' Schedule Tribe.

11. Heard both the parties at length. Perused the record and proceedings of the Caste Scrutiny Committee with the assistance of the learned AGP and considered the citations placed on record.

12. For the sake of convenience family tree is reproduced as under:



13. The petitioner submitted as many as 17 to 18 documents, out of which following are the documents prior to 1950.

- (I) Extract of Dakhal Kharij Register of grandfather namely Maroti Atmaram (1929/1936/1941),
- (II) Extract of birth of daughter born to great grandfather namely Atmaram Mana (1925),
- (III) Extract of birth of daughter born to great grandfather namely Atmaram Mana (1927).

14. First vigilance enquiry was conducted and report was submitted on 27/07/2012. The petitioner duly submitted reply to the said Vigilance Report. On perusal of first report, it would clear that there are entries from 22/08/1924, 03/07/2025, 11/01/1927 and 11/07/1936. All entries are of 'Mana'. In spite of this position, without there being any reason recorded by the Caste Scrutiny Committee, second vigilance enquiry was conducted. In second vigilance, document dated 28/09/1921 (Page 56 of petition) shown to be procured by the Vigilance Cell, however, on perusal of the same, it appears that typed copy is not as per the scan copy. Second document which was procured in the second vigilance is dated 30/12/1944, here also typed copy is not as per the scan copy. As observed above, the 1921 entry not as per the scan copy and the Scrutiny Committee wrongly relied on the same overlooking the other old documents of 1924, 1925, 1927 and 1936, wherein the caste is shown as 'Mana' of the forefathers of the petitioner. These

entries of 1924, 1925, 1927 and 1936 were discarded by the Caste Scrutiny Committee on the ground that there is 1921 entry of 'Mana Khaira Kunbi', which is not at all as per the scan copy of the entry. So far as 1927 document is concerned, which shows that female child was born to Atmaram Mana. This document is also discarded by the Caste Scrutiny Committee on the ground that there is no female child shown in the genealogy. However, this document is produced by the petitioner and it was verified by the Vigilance Cell. Again there is entry of 1936 of 'Mana'. This entry is also discarded by the Caste Scrutiny Committee on the ground that there is entry of 'Mana Khaira Kunbi' of 1921. There is entry of 1944 procured by the Vigilance Cell, however typed copy of the same is not as per the scan copy. Thus, the Caste Scrutiny Committee bent upon to invalidate the tribe claim of the petitioner anyhow in spite of the fact that first vigilance enquiry was conducted, there were no reason to again directing vigilance enquiry in 2018, after a lapse of six years. Moreover, what is not reflecting in the scan entry read by the vigilance enquiry in the typed copy the document of 1921, as we have already held that it is not as per the scan copy on that basis discarding other old documents of 1924 and 1925 are not justiceable.

15. On perusal of remark in 2012 report of the Vigilance Cell, in that specifically mentioned that after verification of birth date register of Chandur (Railway), Tahsil Office Chandur (Railway), there are entries of 1924 to 1927 showing entry of 'Mana'. So far as entry of Atmaram Mana of 1925, even though there was no bracket in the scan document, it was written in the typed copy for no reason. The other entries of 11/01/1927 showing Atmaram as 'Mana'. The Vigilance Cell procured 1927 entry of Atmaram showing him as 'Mana'. Thus, discarding all these old entries, the entry of 1921, which is not typed copy as per the scan copy, is considered by the Scrutiny Committee, the second vigilance itself is directed without any reason at least not given in the record.

16. The learned counsel for the petitioner relied on **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others** (supra), wherein it is held as under:

“36. Thus, to conclude, we hold that:

(a) Only when the Scrutiny Committee after holding an enquiry is not satisfied with the material produced by the applicant, the case can be referred to Vigilance Cell. While referring the case to Vigilance Cell, the Scrutiny Committee must record brief reasons for coming to the conclusion that it is not satisfied with the material produced by the applicant. Only after a case is referred to the Vigilance Cell for making enquiry, an occasion for the conduct of affinity test will arise.

(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.”

17. The learned counsel also placed reliance on the judgment in **Writ Petition No.4237 of 2022** (*supra*), wherein reliance is placed on **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others** (*supra*) and held as under:

“19. From the above said judgments of Hon'ble Supreme Court of India, it is clear that the scrutiny committee, while dealing with documentary evidence, greater reliance may be placed on pre-independence documents which is having higher degree of probative value to the declaration of status of a caste, as compared to post-Independence documents. It is further held that the caste scrutiny committee merely performs the role of verification of the claim and, therefore, it can only scrutinize the documents and material produced by the applicant. It is held that in case the material produced by the applicant does not prove his claim, the Committee cannot gather evidence on its own to prove or disprove his claim.

20. Hon'ble Supreme Court has interpreted 12 (2) of the Rules, 2003 and held that as a matter of routine, the Scrutiny Committee cannot mechanically forward the application to Vigilance Cell for conducting an enquiry, particularly when sub-rule (2) of Rule 12 contemplates that only if the Scrutiny Committee is not satisfied with the

documents produced by the applicant, in that case only to refer the documents to Vigilance Cell. In respect of affinity test, it is held that the affinity test is not a litmus test to decide the caste claim and is not an essential part in process of determination of correctness of a caste or tribe claim in every case.

22. It is further clear from the perusal of the impugned order that the vigilance cell on 21.05.2019 submitted positive report, however, same was not relied upon by the committee and directed to consider re-enquiry into the matter. But the perusal of entire record nowhere demonstrate that the reasons are recorded while directing re-enquiry into the matter. Hence, prima facie, it is clear that the respondent-committee violated Rule 12 (2) of the Rules-2003.”

18. In **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others** (*supra*), reliance is also placed on **Anand v. Committee for Scrutiny and Verification of Tribe Claims and ors., 2011 (6) Mh.L.J. (S.C.) 919**, wherein it is held as under:

“22. It is manifest from the aforeextracted paragraph that the genuineness of a caste claim has to be considered not only on a thorough examination of the documents submitted in support of the claim but also on the affinity test, which would include the anthropological and ethnological traits, etc., of the applicant. However, it is neither feasible nor desirable to lay down an absolute rule, which could be applied mechanically to examine a caste claim. Nevertheless, we feel that the following broad parameters could be kept in view while dealing with a caste claim:

- (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, modernisation 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.”

19. As such, considering the old documents placed on record by the petitioner, she has duly established that her forefathers and she belong to 'Mana' Scheduled Tribe. Accordingly, we proceed to pass the following order.

- (i) The petition is allowed.
- (ii) The impugned order dated 23/08/2021, passed by the respondent-Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati is hereby quashed and set aside.
- (iii) It is declared that the petitioner has duly established that she belongs to 'Mana Scheduled Tribe. As such, the respondent-Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati is hereby directed to issue Validity Certificate in favour of petitioner that she belongs to 'Mana Scheduled Tribe' within a period of four weeks. The petition stands disposed of accordingly.

20.. Rule is made absolute in the above terms. No costs.

(RAJ D. WAKODE, J.)

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