



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

WRIT PETITION NO. 2058 OF 2020

Ku. Vaishnavi Sitaram Wagh,
Age 19 years, Occ. Student,
R/o. Shirol, Tah. Ghatanji,
District : Yavatmal.

.... **PETITIONER**

// VERSUS //

1) **The Vice-Chairman/Member-Secretary,**
Scheduled Tribe Caste Certificate Scrutiny
Committee, Amravati.

2) **The Superintendent of Police,**
(Rural), Amravati Division,
Amravati.

.... **RESPONDENTS**

Ms. Preeti Rane, Advocate for the Petitioner.
Ms. Kavita Bhondge, Assistant Government Pleader for
Respondents.

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

DATE ON RESERVING THE JUDGMENT : 22.09.2025
DATE ON PRONOUNCING THE JUDGMENT : 03.11.2025

JUDGMENT : (Per – 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 order dated 11.03.2020 passed by the Respondent No. 1 Caste Scrutiny Committee, Amravati thereby invalidating the caste claim of the Petitioner to the “Mana” Scheduled Tribe, and further the order of termination dated 11.08.2025 passed by the Respondent No. 2 in consequence to the invalidation of the Tribe claim of the Petitioner.

3. The Petitioner belongs to ‘Mana’ Scheduled Tribe, to that effect, a Caste Certificate dated 07.12.2017 is issued to the Petitioner by the Competent Authority. The Petitioner was pursuing her education in 2nd year B.Sc. in the year 2020, she submitted her proposal on 25.04.2018 for verification of Tribe claim to the Respondent No. 1 Caste Scrutiny Committee.

4. In support of her tribe claim, the Petitioner submitted documents to the Respondent No. 1 Scrutiny Committee, out of which one document is of Pre-constitutional period which is a birth extract of Petitioner’s Grandfather namely Laxman born to Nago Zibal, dated 20.09.1939, which has greatest probative

value in the eyes of law. The Vigilance Cell conducted an inquiry in relation to the caste claim of the Petitioner and submitted its report dated 29.07.2019 to the Respondent No.1 Scrutiny Committee. The Petitioner submitted her reply to the vigilance report on 03.08.2019. The Vigilance Officer procured entries of the year 1938 (Mani), 1943(Mani), 1947(Mani Ku) and 1932 (Mani). The Petitioner specifically denied the said entries and submitted that the entries are wrongly taken and there is mistake/misnomer in the pronounciation. There is no entry of 'Mani' in Constitutional Scheduled Tribe Order. The Respondent No.1 Caste Scrutiny Committee vide order dated 11.03.2020 invalidated the caste claim of the Petitioner. The Scrutiny Committee invalidated the claim of the Petitioner on the grounds of area restriction and affinity test, which is challenged in this petition.

5. During pendency of this Petition, the Petitioner was appointed on the post of 'Police Constable' vide appointment order dated 29.08.2024. The appointment of Petitioner was from Scheduled Tribe category (Woman) which required

submission of validity certificate within a period of six months from the date of appointment as per Government Resolution dated 12.12.2011. As such, the said period of six months expired in the last week of February 2025. The Petitioner has communicated the Respondent No.2 employer that her Petition against the order of invalidation is already pending before this Court. In spite of that, the Respondent No.2 issued a notice dated 07.03.2025 to the Principal, Police Training Centre, Nagpur. After one year of service, the Respondent No. 2 terminated the services of the Petitioner with effect from 11.08.2025 for non-submission of the validity certificate, which order is also challenged in this Petition by way of amendment.

6. The learned Counsel for the Petitioner relied on the Judgment of *Gajanan S/o Pandurang Shende Vs. Head-Master, Govt. Ashram School, Dongargaon Salod & Ors.*, reported in *2018(2) Mh.L.J. 460*.

7. As against this, the Respondent No. 1 – Caste Scrutiny Committee submitted that the Vigilance Cell in its

inquiry procured the documents, which are adverse to the claim of the Petitioner. The following documents are procured by the Vigilance Cell :

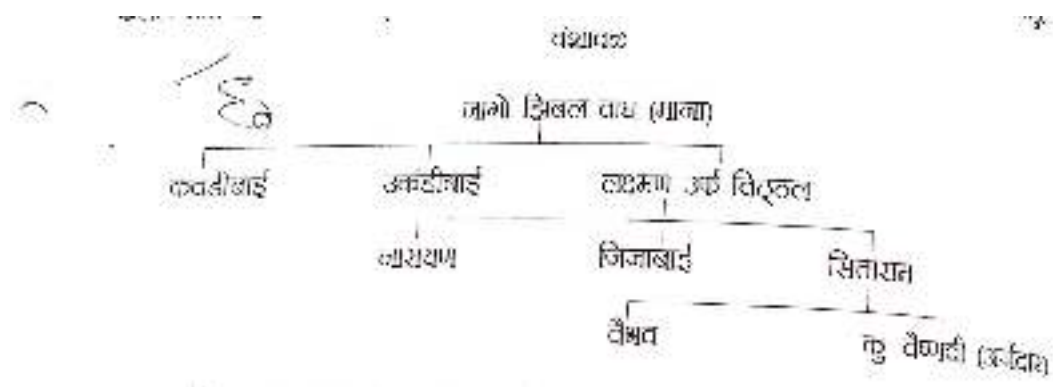
Sr. No.	Document Type	Name	Relationship with the petitioner	Caste	Date
1	Birth Extract Mauje Shirol	A male child namely Isana born to Nago Wald Zibal	Great Grandfather	Mani Ku.	1932
2	Birth Extract Mauje Shirol	A male child born to Nago Wald Zibal	Great Grandfather	Mani	1938
3	Birth Extract Mauje Shirol	A male child namely Rambhau born to Nago Wald Zibal	Great Grandfather	Mani	1943
4	Birth Extract Mauje Shirol	A female child namely Ukandi born to Nago Wald Zibal	Great Grandfather	Mani Ku.	1947

8. The Respondent No. 1 Caste Scrutiny Committee further submitted that during the inquiry, the Petitioner could not establish her socio-cultural affinity with 'Mana' Scheduled Tribe and failed to pass the affinity test. Therefore, the impugned order is just, proper and legal.

9. Heard both the parties at length. Perused the record of the Caste Scrutiny Committee with the assistance of learned

Assistant Government Pleader and considered the citation relied on by learned Counsel for the Petitioner.

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



11. The Petitioner has placed on record many documents wherein oldest entry is of 1939 pertaining to his great grandfather Nago wald Zibal shown he gave birth to one son by name Laxman on 20.09.1939. If the family tree is perused, these names are appearing in the family tree. Nago Zibal gave birth to Laxman which corroborates the entries in the documents and Caste of Nago is shown as Mana. Though the Vigilance Cell collected some documents, the Caste Scrutiny Committee accepted the said documents without giving any consideration to the reply. The entry of 1939 is also procured by the Vigilance

Cell. There is no any remark against this document which shows that it is duly verified.

12. There is an entry of 1932, wherein it is shown that son Isana born to Nago wald Zibal, however, this entry does not appear to be from the family tree as there is no son namely Isana to Nago Zibal. So far as document of 1938 is concerned, there is name given of the son born to Nago wald Zibal, therefore this entry cannot be relied on as it is not clear that he is the same Nago Zibal who has gave birth to Laxman in 1939, gave birth to any other male child in 1938. This cannot be verified from the family tree. So far as Sr. No.3 entry is concerned, the document procured by the Vigilance Cell, it is shown that Nago Zibal gave birth to son Rambhau. There is no son by name Rambhau to Nago Zibal. From entries Nos.3 and 4, it appears that there is Nago S/o Zibal is of different family. So far as entry of 1947 in respect of daughter born namely Ukandi to Nago Zibal, it appears to be of the same family, Ukandi is reflecting in the family tree. However once it is admitted fact that in 1939 the entry of 'Mana' is shown against Nago wald

Zibal, the subsequent entry in respect of the same person cannot be as 'Mani Ku' and in such circumstances, the oldest entry will prevail over the subsequent entries. So far as entry of Nago Zibal who gave birth to a daughter Ukandi, in scan entry there is no entry of 'Mani Ku', but it is an entry of 'Mana Ku'. Even if it is presumed that there is any entry as Mani Ku, however the oldest entry of 1939 in respect of said Nago Zibal wherein his Caste is shown as Mana, which will prevail over the subsequent entries. The Mani entries in the documents need to be treated as Mana in view of the oldest entry of 1939 showing caste of Nago Zibal as Mana.

13. Learned Counsel for the Petitioner relied on ***Gajanan S/o Pandurang Shende*** (supra), however, the Full Bench of this Court held that the law laid down by *Gajanan S/o Pandurang Shende*, which do not lay down correct law.

14. As such, the impugned order passed by the Caste Scrutiny Committee is erroneous and findings recorded are perverse to the documents placed on record. The Caste Scrutiny

Committee have not considered reply filed by the Petitioner to the Show Cause Notice and recorded erroneous finding. Thus the impugned order is unsustainable in law, it is liable to be set aside. The Petitioner has duly established that she belongs to “Mana” Scheduled Tribe. Accordingly, we proceed to pass following order :

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 11/03/2020, passed by the Respondent No.1 – Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati in case No. सहआ/अजप्रतस/अम/5/503/Edu/042018/112364, is hereby quashed and set aside.
- (iii) It is declared that the Petitioner duly established that she belongs to “Mana” Scheduled Tribe.
- (iv) The Respondent Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati is hereby directed to issue a validity certificate of “Mana” Scheduled Tribe to the Petitioner within a period of three weeks.
- (v) The Respondent No.2 – Superintendent of Police, (Rural), Amravati Division, Amravati is hereby directed not to take any action till submission of Caste Validity Certificate by the Petitioner.

If any termination order is served, the Respondent No.2 is directed to recall the same as caste claim of the Petitioner is validated by this Court.

15. The Writ Petition stands disposed of in the above terms. No order as to costs.

(RAJ D. WAKODE, J.)

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

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