



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

WRIT PETITION NO. 2529 OF 2023

Ramsingh S/o Adnyansing Jadhav,
Aged about 48 years, Occ.- Service,
R/o. Taroda, Tah. Motala,
District Buldhana.

.... **PETITIONER**

// VERSUS //

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

2) **The Chief Executive Officer,**
Zilla Parishad, Buldhana.

.... **RESPONDENTS**

Ms. Preeti Rane, Advocate for the Petitioner.
Mr. A. V. Palshikar, Assistant Government Pleader for
the Respondent No.1.

**CORAM : MRS. M. S. JAWALKAR AND
M. W. CHANDWANI, JJ.**

DATE ON RESERVING THE JUDGMENT : 11.11.2025
DATE ON PRONOUNCING THE JUDGMENT : 23.12.2025

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 19.12.2022 passed by the Respondent No. 1 Scheduled Tribe Caste Scrutiny Committee, Amravati thereby invalidating the caste claim of the Petitioner to the 'Naikda' Scheduled Tribe, which is enlisted at Sr. No. 35 of the Scheduled Tribe Order, 1950.

3. The contention of the Petitioner is that he is working on the post of 'Gram Sevak' in the Respondent No. 2, Zilla Parishad, Buldhana. The Petitioner has been appointed on the aforementioned post reserved for the Scheduled Tribe category vide appointment order dated 09.02.2009. It is submitted by the Petitioner that his services have not yet been regularized and it is pending for want of decision on validity certificate.

4. It is further contended that the Petitioner has been issued a Caste Certificate by the Competent Authority on 04.11.2006. The Petitioner submitted his proposal for caste validity to the Respondent No. 1 Caste Scrutiny Committee on

17.01.2012. In support of his tribe claim, the Petitioner submitted following documents of pre-constitutional period:

Sr. No.	Description of Document	Caste	Date
1	School Leaving Certificate of Petitioner's Father (1 st Std)	Naikda	01.10.1953
2	Dakhal Kharij Register of the Petitioner's Father	Naikda	10.03.1947
3	Birth Extract of Petitioner's Father namely Adnyansingh	Naikda	25.05.1940
4	Birth Extract of Cousin Grandfather namely Dayaram	Naikda	20.01.1949
5	Copy of Extract of Revenue document		

5. It is further contended that the Police Vigilance Cell conducted inquiry and submitted its first report to the Respondent No. 1 Scrutiny Committee on 21.02.2007. The Petitioner submitted his reply to the vigilance report on 21.05.2013 and denied the contents of the report and further submitted certain pre-constitutional documents in his reply. The Police Vigilance Cell conducted further inquiry and submitted its second vigilance cell report to the Respondent No. 1 Committee on 27.11.2020. The Petitioner submitted his reply to the second vigilance report in August 2022 consequent to which, the Respondent No. 1 Caste Scrutiny Committee, vide order dated

19.12.2022 invalidated the caste claim of the Petitioner, which is challenged in this petition.

6. It is pertinent to mention here that, during the pendency of the proceedings before the Respondent No. 1 Caste Scrutiny Committee, the Petitioner has moved before this court by way of a Writ Petition No. 2940/2013. The said Writ Petition No. 2940/2013 was decided by this court vide order dated 08.07.2013, thereby setting aside the order of termination of the Petitioner dated 18.08.2011 and directed the Respondent No. 2 Zilla Parishad to reinstate the Petitioner on the post of 'Gram Sevak', subject to the outcome of the decision of the Respondent No. 1 Caste Scrutiny Committee. The learned Counsel for Petitioner relied on the Judgment of this Court (Aurangabad Bench) in **Writ Petition No. 889/2017, Prakash Motising Bassi & Anr. Vs. The State of Maharashtra & Anr.**, dated 04.08.2017.

7. As against this, the Respondent No.1 Caste Scrutiny Committee contended that as per the requirements of the Maharashtra Act No.23 of 2001, the burden to prove the

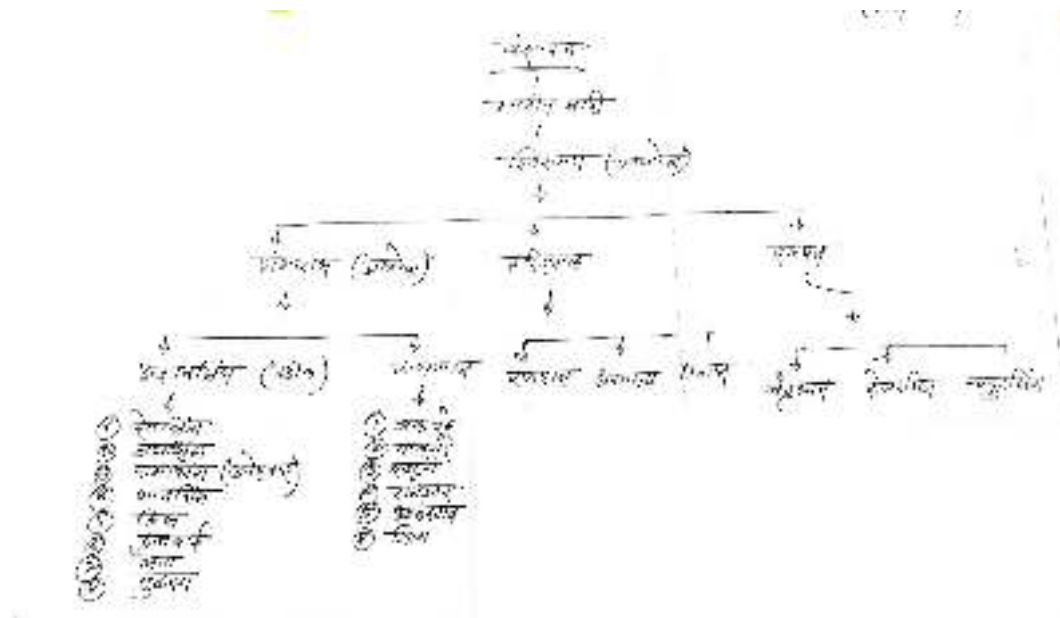
caste/tribe claim rests on the claimant. The Respondent No. 1 Committee has relied on the following documents procured by the Vigilance Cell in its inquiry, which are adverse to the claim of the Petitioner:

Sr No	Docu-ment Type	Name	Relation-ship with the petitioner	Caste	Date
1	Birth Extract	A male child (Surebhan) born to Gangaram Khiraman	Grand-father	Chmbhar Vanjari	15.10.1948
2	Dakhal Kharij Extract	Chandrahan	Cousin uncle	Naykada found tampering in the document as per statement ink reported by the HM of the school.	26.06.1952
3	Dakhal Kharij Extract	Adnyansingh Gangaram	Cousin Uncle	Naykada written in different ink as per statement ink reported by the HM of the school	01.10.1953
4	Dakhal Kharij Extract	Raybhan Gangaram	Cousin Uncle	Naykada found tampering and caste written in different ink as per statement ink reported by the HM of the school.	14.04.1952
5	Dakhal Kharij Extract	Kamti bap Dalpat	Cousin Aunt	Caste written in different ink as per statement ink reported by the HM of the school.	26.04.1956
6	Dakhal Kharij Extract	Maichanch Govinda	Cousin Uncle	Found tampering and caste written in different ink	27.04.1956

8. The Respondent No. 1 Caste Scrutiny Committee further contended that apart from tampering, it could also be seen that there is overwriting, striking of earlier entries and usage of different inks and handwriting in relation to the caste entries. These factors created serious doubts about the authenticity of the said entries, thereby negating the evidentiary value of these documents. It is further contended that Caste Scrutiny Committee has passed a well reasoned order dealing with every aspects of the matter. The Respondent No.1 Scrutiny Committee further contended that it has correctly and properly applied various principles and tests laid down in law from time to time in regard caste/tribe verification therefore, interference is not warranted in the impugned order.

9. Heard both the parties at length. Perused the documents on record and proceeding of Caste Scrutiny Committee with the assistance of the learned Assistant Government Pleader and considered the citations relied on by the Petitioner.

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



11. On perusal of record and proceedings, it appears that the first report of Vigilance Cell submitted on 21.02.2007 and when Show-cause Notice was issued to the Petitioner, he has filed reply to the said report on 21.05.2013. By this reply, the Petitioner submitted that his forefathers' caste is wrongly mentioned by the Vigilance Cell therefore, fresh vigilance inquiry be conducted. The second vigilance inquiry was conducted and report dated 22.11.2020 was submitted to the Caste Scrutiny Committee. Accordingly, show-cause notice was issued to the Petitioner. The Petitioner placed his reply on record. The Petitioner specifically denied that there is any

person by name Suryabhan, which was showing in the family tree of the Petitioner, as 'Chanbhar Wanjari'. Needless to mention here that the vigilance cell in the second inquiry procured some documents having contra entries.

12. There are in all six documents, on the basis of which, the Caste Scrutiny Committee rejected the claim of the Petitioner. However, on perusal of these documents, there is no person by name Suryabhan, Kamti Bap Daulat and Maychanch Govinda. Thus, the document Nos.1, 5 and 6 has not the documents of a person belonging to the family of the Petitioner. So far as entry of Chandrabhan Dalpat is concerned, in the remark column, the remark is given against the column caste as 'Naikda'. There are at around nine entries wherein 'symbol of ditto' (" ") is there. In the vigilance cell report the remark is that there is some overwriting, however the photocopy of the same is produced on record, we do not see any overwriting.

13. The Petitioner placed on record the document of 1940, which is a birth extract of the Petitioner's father namely Adnyansing showing his caste as 'Naikda'. Similarly in Dakhal

Kharij Ragister of the Petitioner's father dated 10.03.1947, also showing the caste as 'Naikda'. Thus, these two documents prior to 1950 shows caste as 'Naikda'.

14. The Petitioner has placed on record an affidavit along with one more document of 1930, wherein Khiraman is shown to have given birth to Dalpat. Moreover, the Petitioner again reiterated that in School Leaving Certificate though, the date of birth is shown as 10.03.1947, the same is not found in the Tahsil record as intimated by the Tahsildar Motala. Thus, the Birth Extract of 1940 pertaining to the father of the Petitioner Adnyansing needs to be considered. In view thereof, there is no reason not to believe the subsequent documents of 1952 and 1953 in respect of Chandrabhan Adnyansing and Raibhan Gangaram by raising doubt that there is overwriting. We have seen the coloured photocopy of the said entries, we do not see any overwriting against the entry of Raibhan Gangaram. When there are old entries of birth extract of father of the Petitioner showing his caste as 'Naikda', which are prior to 1950, having most probative value. The subsequent entries even if it is presumed that there is some overwriting, the old entries prevail

over the same. The caste of father of the Petitioner recorded as 'Naikda' in Birth Extract of 1940.

15. The learned Counsel for the Petitioner relied on the Judgment in *Prakash Motising Bassi* (supra), however in the said matter there were no dispute over the relationship and there were validities in favour of real brother of the Petitioner as well as cousin uncle and other two-three members of the family of the Petitioner. However, the Judgment is relied on the point in respect of written request made to Scrutiny Committee during the course of hearing to call for original record or to supply photocopy of original record to check whether there was any overwriting or scratching that too by replacing the earlier word by a new word 'Naikda'. As request was not accepted, this Court concluded that this could not have been a ground to discredit the material.

16. As discussed earlier, there is already the entry of 'Naikda' and only below that against subsequent nine entries, there is symbol of ditto (" "). In view of this fact, the order passed by the Caste Scrutiny Committee is erroneous, perverse

and cannot sustain. Accordingly, we proceed to pass following order :

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 19.12.2022, passed in case No. सआ/अजप्रतस/अम/5-ST/2012/10095, passed by the Respondent No.1 – Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati is hereby quashed and set aside.
- (iii) It is declared that the Petitioner duly established that he belongs to “Naikda” Scheduled Tribe.
- (iv) The Respondent Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati is hereby directed to issue the validity certificates of “**Naikda**” Scheduled Tribe to the Petitioner within a period of six weeks.

17. Rule is made absolute in the above terms. No order as to costs. Pending application(s), if any, stand(s) disposed of.

(M. W. CHANDWANI, J.)

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