



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR, NAGPUR.
WRIT PETITION NO.2261 OF 2025

Ku. Pallavi Ganesh Saosakade Age about 20
years Occupation: Service (GDS BPM, Post
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&
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Petitioner:

-Versus-

1. The State of Maharashtra
Through its Chief Secretary Mantralay,
Mumbai-400032 cs@maharashtra.gov.in
2. The Commissioner TRTI Cum
Chairman, The Scheduled Tribe Certificate
Scrutiny Committee Cum 28, Queens
Garden,
Pune-411001 e-mail.trti-mh@nic.in
3. The Joint Commissioner cum Vice
Chairman
The Scheduled Tribe Certificate Scrutiny
Committee, Giripeth, Nagpur-440 010
e-mail: tcscnagpur@gmail.com
4. The District Collector, Nagpur cum
Nagpur District Land Records (Bhumi
Abhilekh) Civil line, Nagpur-440 010
email.collectornagpur@maharashtra.gov.in
5. The Senior Superintendent of Post office
Nagpur Moffusil Division 3rd Floor

Respondents:

Nagpur City, H.O Building Nagpur-
440002

Email.id dpsnagpur@indiapost.gov.in

Mr. Narayan Dinbaji Jambhule, counsel for Petitioner.
Mr. J.Y. Ghurde, A.G.P. for Respondent/State.

**CORAM : ANIL S.KILOR &
MRS. VRUSHALI V. JOSHI, JJ.**

**Reserved on: 13/08/2025.
Pronounced on:-03/09/2025**

ORAL JUDGMENT (Per: Vrushali V. Joshi, J.)

- 1) Heard.
- 2) **Rule.** Rule made returnable forthwith. The Writ Petition is heard finally with the consent of the learned counsel appearing for the parties.
- 3) By way of the present writ petition, the petitioner calls in question the legality and propriety of the order dated 10/03/2025 passed by the respondent No.3-Scheduled Tribe Certificate Scrutiny Committee, Nagpur, whereby the claim of the petitioner of belonging to the 'Mana' Scheduled Tribe has been invalidated.
- 4) The petitioner asserts that he belongs to the 'Mana' Scheduled Tribe. The caste certificate to that effect was issued in his favour by the Sub-Divisional Officer, Umred, District Nagpur,

on 24/01/2024. While pursuing standard 12th studies, the petitioner submitted an application for grant of caste validity certificate, accompanied by a genealogy dated 19/08/2022 the original caste certificate (Rev. Case MRC-81/2010-2011) issued dated 26/07/2011, and other relevant documents in support of his claim. The petitioner had also submitted revised caste certificate (MRC-4034222148) dated 24/01/2024 issued by Sub Divisional Officer, Umred , District Nagpur.

- 5) The petitioner, having been selected on merit through a competitive examination, was appointed on the post of Gramin Dak Sevak Branch Post Master at Mandawa Post Office, District Nagpur, under the Scheduled Tribe quota, by order dated 06/06/2024 issued by respondent no.5. The appointing authority addressed a communication dated 23/09/2024 to the respondent - Committee, requesting verification of the petitioner's caste certificate and issuance of a validity certificate. Pursuant thereto, on 24/09/2024, the petitioner submitted his appointment letter, and requested the respondent-Committee to adjudicate his tribe claim and issue the validity certificate.
- 6) Learned Advocate for the petitioner, Mr. Jambhule, submitted that the Committee, while rejecting the claim of the petitioner, selectively relied upon certain land records. Specifically, reference was made to Survey Nos.17, 26, 28, 30, 33,

34, 36, 41, 50, 53 and 55, wherein the caste entry of 'Kunbi' appears against the name of one *Undrya Wald Dina Kunbi*. It was urged that in Survey Nos.26/1 and 50/2, the Committee relied upon entries showing 'Kunbi' against the names of persons such as *Sonba Wald Doma Wadhi* and *Raghav Mahar*. According to the petitioner, these individuals have no connection with the lineage of petitioner, yet their entries were treated as a part of his genealogy, thereby creating an erroneous impression that his lineage belongs to 'Kunbi' and not to the Mana Scheduled Tribe.

- 7) The learned counsel appearing for the petitioner further contended that vigilance cell conducted school, revenue and social status inquiry in respect of the petitioner's claim. In that process, the statement of Shri Tukaram Sitaram Sausakde, cousin uncle of the petitioner, was recorded and a genealogy was prepared and affirmed by the petitioner on affidavit. The vigilance report further verified various documents including the Kotwal Panji birth entries of 1926 and 1928 showing caste as 'Mana' in relation to the petitioner's blood relatives, and the Gaon Namuna-8 house tax assessment records (1960-65) in the name of the petitioner's cousin great grandfather. Additionally, the report confirmed the death certificates of close paternal relatives, and school admission entries of petitioner's cousin uncles (1950 and 1963) wherein the caste has consistently been recorded as 'Mana.' The Adhikar Abhilekh Panji of 1954-55 also records the

names of the petitioner's grandfather and cousin grandfather, further establishing the caste entry of 'Mana.' The petitioner has submitted that despite his best efforts, certain revenue mutation records were not made available at the Tehsil level, and only the District Collector, Nagpur, may clarify upon that issue.

- 8) Learned advocate for the petitioner further argued that the petitioner had appeared for the MHT-CET 2023 with the intention of securing admission to the B.Sc. Nursing course under the Scheduled Tribe category. He qualified for admission and was provisionally allotted a seat in CAP-II at Dr. Shankarrao Chavan Government College of Nursing, Nanded. However, since his caste validity claim was not decided within the prescribed period of six months as mandated by Government Resolution dated 27/03/2019, the matter remained pending for more than three years. Consequently, the petitioner could not secure admission and was deprived of pursuing higher education, a right guaranteed under the Constitution of India.
- 9) Learned A.G.P. for the respondents, Mr. Ghurde, relying upon the Vigilance Cell report dated 21.04.2023 as well as the subsequent re-inquiry report dated 12.05.2023, submitted that serious discrepancies have been brought on record which go to the root of the petitioner's claim. It was revealed that in the school admission register of *Z.P. Primary School, Nagtharoli, Panchayat*

Samiti Bhiwapur, District Nagpur, the entry at Serial No.264 pertaining to *Tukaram Sitaram Sausakde*, dated 01/07/1950, does not contain any caste entry at all. Likewise, the entry at Serial No.362 regarding *Bakaram Sitaram alias Jondhru Sausakde* records the caste as 'Mani' and not 'Mana.' This shows inconsistency in the school records of close relatives of the petitioner. It was further revealed during the verification that in the school records names of other blood relatives i.e. *Janabai, Raibai, Muktabai and Jondhru*, and of their children *Sitaram, Atmaram and Chandrabagabai*, were not available. The Vigilance Cell also noticed that in the revenue record of the year 1912–17, the name of *Undrya s/o Dina Kunbi* appears, and there is a strong probability that this person belongs to the petitioner's own lineage. Significantly, the petitioner has deliberately avoided mentioning this adverse entry in his genealogy.

- 10) Learned A.G.P. further relied on the Vigilance Cell report dated 12/09/2024, which clearly points out discrepancies. The report records that the caste claim of the petitioner was received on 19/09/2022 and was placed for verification. Upon re-inquiry by the Police Vigilance Team, serious contradictions emerged in the documents furnished by the petitioner. It was found that as per the birth and death register from Gram Panchayat, Pauangaon, and subsequent revenue records, certain entries from 1912-1916 indicate the presence of *Undrya s/o Dina Kunbi*,

which strongly suggests that the petitioner's forefathers were recorded as belonging to the 'Kunbi' caste. The petitioner has deliberately suppressed these entries in his genealogy to avoid adverse effect on his claim.

- 11) Further, the death register maintained by the local authorities shows the death entry of *Atmaram Jondhru Sausakde* dated 15/11/2019 and *Sitaram Jondhru Sausakde* dated 01/11/1996. However, the school admission registers of their children and grandchildren do not consistently record 'Mana.' In fact, certain records either do not mention caste at all, or in some instances, mention 'Mani' instead of 'Mana.'
- 12) The Vigilance Cell concluded that the discrepancies between the school records, genealogical details, and revenue entries create serious doubt about the petitioner's caste claim. Importantly, the Vigilance Officer observed that the petitioner avoided disclosing the adverse revenue record of *Undrya Wald Dina Kunbi*, thereby attempting to mislead the Committee. On these findings, the Respondent - Committee submits that the claim of the petitioner is rejected, as the evidence on record fails to establish his claim of belonging to the "Mana" Scheduled Tribe beyond reasonable doubt.

- 13) Heard the learned counsel appearing for the petitioner and the learned Assistant Government Pleader.
- 14) The caste validity of the petitioner as '*Mana*' is rejected by the Caste Scrutiny Committee. The Petitioner has filed on record the genealogical tree and the entries of 1957-58 of cousin uncle Tukaram Sitaram Savsakade 1955 of, 1955-Sitaram Atmaram Jondlu Mana and 1963-Bakaram Sitram Savsakade. The entries of 1926 female child born to Baja Mana. On 01.11.1928 female child Mali was born to Jondhrya Mana. All these entries are of Mana Caste. The Vigilance Committee has rejected all these entries on the basis that the petitioner has suppressed the entry of one Undrya Wald Dina Kunbi. The name of said Undrya is not mentioned in genealogical tree, but said genealogical tree is filed by the Vigilance Cell and has stated that Undrya Dina Kunbi is the main person of their family. There is possibility that Undrya being a main person of their family whose caste is mentioned as Kunbi and therefore, said name is suppressed in the genealogical tree.
- 15) The Committee has brought on record the entry of Kunbi related to Undrya. The genealogical tree is brought on record showing entry of Undru, however the Committee has brought on record Undrya. It appears from the record that Undrya was the

son of Dinu and the genealogical tree which thereafter, was filed by the father of the petitioner has shown Undru as son of Raghu. Therefore, the petitioner has rightly stated that the person named as Undrya Dina Kunbi is not related to the petitioner. Only on the basis of said entry, the Committee has rejected the caste claim of the petitioner.

- 16) On a careful perusal of the reason given in the order it appears that it is the suspicion of the Committee that the petitioner must have suppressed this entry and Undrya must be the main person of that family (Mul purush). It is the only suspicion and as the Committee has brought on record the said genealogy the burden is on the Committee to prove that the said person is the only person, who is the main family member of the petitioner. While discarding the genealogy filed by the petitioner and stating that fake insertion is made and entry of Raghu is false, it is the burden on the Committee to prove it. It appears that said statement is made by the Committee, only on the suspicion, on the basis of which the validity is rejected. On perusal of the original record, it appears that Undrya and Undru are two different persons. Undrya is the son of Dina Kunbi and Undru is the son of Raghu. Therefore, though the Committee has stated that on the basis of said genealogy the petitioner is Kunbi and not

Mana and the petitioner has suppressed the said main person of the family, it is not proved by the Committee.

- 17) The petitioner has come with the genealogical tree showing Raghu is the main person and Undru is his son. Nothing is brought on record to disprove this fact. Therefore, only on the basis of said genealogy tree, which is not proved by the Caste Scrutiny Committee, the other entries which the petitioner has brought on record are not denied by the Committee as of Mana entry. Therefore, as the Committee has failed to prove that the petitioner has suppressed the entry of Undrya Wald Dina Kunbi, which the petitioner has denied as the main person of the family and it does not relate with the main person Raghu, therefore the order passed by the Caste Scrutiny Committee is illegal and required to be quashed and set aside. Hence, we pass the following order:-

The Writ Petition is allowed. The order dated 10/03/2025 passed by the respondent No.3-Scheduled Tribe Certificate Scrutiny Committee, Nagpur is hereby quashed and set aside.

The respondents are directed to issue the validity certificate to the petitioner within a period of three months from the date of the order.

18) Rule is made absolute accordingly.

(MRS.VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J)

Kavita