



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

WRIT PETITION NO.2962 OF 2024

PETITIONER :

Mr. Sagar S/o Hemant Dandekar,
Aged 29 years, Occ. Service,
R/o. Kureshi Layout, Ward No.6,
At. Post. Maregaon, Tah. Maregaon,
Distt. Yavatmal.

V E R S U S

RESPONDENTS : 1. Deputy Director & Member-Secretary,
The Scheduled Tribe Certificate
Scrutiny Committee, Yavatmal,
Near Rangoli Ground, Yavatmal.

2. General Manager,
Vidarbha Konkan Gramin Bank,
Head Office at 2nd and 3rd Floor,
“Chandraprastha : Plot No.6,
Dindayal Nagar, Ring Road,
Nagpur – 440022.

3. Regional Manager,
Vidarbha Konkan Gramin Bank,
Regional Office, Yavatmal,
Near Bhawe Mangal Karyalaya,
Civil Lines, Yavatmal – 445001.

Shri Ananta Ramteke, Advocate for petitioner.

Shri P. P. Pendke, Assistant Government Pleader for respondent
No.1.

**CORAM: SMT. M. S. JAWALKAR AND
PRAVIN S. PATIL, JJ.**

DATE : 12/08/2025

JUDGMENT : (PER : PRAVIN S. PATIL, J.)

1. **Rule.** Rule made returnable forthwith. By consent of
learned Counsel for the parties, the matter is taken up for final
disposal.

2. The petitioner questions the order dated 27/03/2024 passed by the respondent No.1 – The Scheduled Tribe Certificate Scrutiny Committee, Yavatmal (For short, “Committee”) by which the Tribe claim of the petitioner has been invalidated.

3. It is the submission of the petitioner that the respondent – Committee has invalidated the Tribe claim of the petitioner, mainly on two grounds, firstly the birth register entry of document dated 18/04/1927 produced by petitioner did not find match with the document procured by Vigilance Cell and secondly, Caste Validity Certificate produced by the petitioner of his cousin brother namely; Anil Laxmanrao Dandekar and his cousin uncle Dinesh Laxmanrao Dandekar cannot be relied because in the said matter, there was no Vigilance Cell Enquiry.

4. In response to the notices issued by this Court, the respondent – Committee filed their written submission on record and reiterated that the document dated 18/04/1927 found to be doubtful and therefore, they have rightly not relied upon the same. It is stated by the respondent – Committee that in addition to above documents relied by the petitioner and procured by the Vigilance Cell show the entry of caste as Mane Kunbi, Mana Kunbi, Mani, Kunbi, etc. and therefore, considering the School and

Revenue record, they have rightly rejected the Tribe claim of the petitioner. In respect of Caste Validity Certificate of the uncle namely; Dinesh Laxmanrao Dandekar, it is stated that same is under process to challenge before the Hon'ble Supreme Court of India. Hence, on this count, it is stated that there is no illegality in the order passed by the respondent – Caste Scrutiny Committee.

5. We have heard learned counsel for both parties in the matter and also gone through the original record produced by the respondent - Committee.

6. In the present matter, genealogical tree produced by petitioner is not in dispute. Admittedly, Tima Krushna Dandekar is great-grand-father of petitioner. The extract of birth register in the name of great-grand-father is also not disputed. The disputed part is only to the extent that in the column of category whether the baby born is male child or female child. Therefore, we have perused the original record.

7. From perusal of the birth register extract in the name of great-grand-father, which is one of the oldest entry, it is clear that the extract which petitioner has produced in the column of male shows birth of one male child. And the document which

committee has procured shows the entry of birth of girl child. Both these entries are recorded manually by the concerned office from taking the said entry from old document. The entry in the old document is below the extract of birth register. Minutely perusal of the same shows that the columns of male and female child are not properly recorded and therefore, confusion is created in the matter. But from naked eyes, we confirm the fact that entry recorded therein is of male child. Hence, the document relied by petitioner is found to be correct.

8. It is stated that after going through the original record, the learned counsel appearing for the Caste Scrutiny Committee also conceded the fact that there is a manual mistake while recording the entry in the name of child. Therefore, it is clear that the document relied upon dated 18/04/1927 by petitioner is the correct document. Hence, considering this aspect of the matter, the finding recorded by the respondent – Committee is liable to be quashed and set aside.

9. In respect of the submission of the petitioner that his cousin brother has been granted the Caste Validity Certificate, the same has been discarded by the committee merely because in the said matter, there is no Vigilance Cell Enquiry. However, the

respondent – Committee failed to consider the fact that the said Caste Validity to his cousin brother has been granted on the basis of the Caste Validity issued to his father namely; Dinesh Laxmanrao Dandekar. The Caste Validity to Dinesh Laxmanrao Dandekar has been issued in terms of decision of this Court in Writ petition No.3355/2022. Hence, it is clear that in pursuance of the order of this Court, the Caste Validity has been issued to the cousin uncle and cousin brother of the petitioner. Therefore, same ought to have been relied by the respondent – Committee while deciding the Tribe claim of the petitioner.

10. It is further pertinent to note that in the case of Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others, reported in 2010 (6) Mh.L.J. 401, Para No. 4 of which is reproduced is as under :-

“4. We have considered the matter and we are of the view that the petitioner’s caste claim that she belong to Kanjar Bhat-Nomadic Tribe ought to have been accepted by the Committee merely on the basis that identical caste claim of her sister that she belongs to Kanjar Bhat has been allowed by the Committee, even apart from the Government Resolution. We are of the opinion that the guidelines provided by the said Govt. Resolution are sound and based on sound principles. It would indeed be chaotic otherwise. If the relationship by blood is established or not doubted, and one such

relative has been confirmed as belonging to a particular caste, there is no reason why public time or money should be spent in the committee testing the same evidence and making the same conclusion unless of course the Committee finds on the evidence that the validity of the certificate of such relation has been obtained by fraud.”

11. As such, as per the law laid down by this Court unless the findings are recorded that the Caste Validity Certificate issued in favour of the family members is by way of fraud or like circumstances, then only the said Validity Certificate can be discarded. However, once the Validity Certificate is found to be issued as per the Judgment of this Court in favour of the blood relatives, the petitioner is entitled to get Validity Certificate.

12. It is stated by the committee that the Caste Validity granted in favour of the cousin uncle, the same is in process to challenge before the Hon’ble Supreme Court of India. But the fact remains that while deciding the Tribe claim of the petitioner, no material was available with the Caste Scrutiny Committee to conclude that the cousin brother of the petitioner or his cousin uncle obtained the order by playing fraud and any Appeal is pending against the same before Hon’ble Supreme Court of India. Therefore, not relying upon the said document is certainly contrary to the settled principles of law.

13. In the circumstances, we are of the considered opinion that the pre-independence document relied upon by the petitioner is having higher degree of probative value. Said document ought to have been relied upon by the respondent – Committee. Furthermore, the cousin brother and cousin uncle from parental side has been granted the Caste Validity Certificate by the Caste Scrutiny Committee, therefore, same cannot be discarded only because the Vigilance Cell Report is not obtained in the matter.

14. Hence, for the aforesaid reasons, the petitioner has made out the case for our indulgence in the matter. Accordingly, we proceed to pass the following order :-

ORDER

- i] The writ petition is allowed.
- ii] The impugned order dated 27/03/2024 passed by the respondent No.1 – The Scheduled Tribe Certificate Scrutiny Committee, Yavatmal is hereby quashed and set aside.
- iii] It is hereby declared that the petitioner belongs to “Mana” Scheduled Tribe and accordingly, respondent No.1 – The Scheduled Tribe Certificate Scrutiny Committee, Yavatmal is directed to issue Caste Validity Certificate to the petitioner within a period of four weeks from the date of this order.

iv] It is further directed to the respondent Nos.2 and 3 to record the necessary entry in the service record of the petitioner and accordingly, treat the petitioner from Scheduled Tribe Category in his service career.

v] Rule is made absolute in above terms with no order as to costs.

[PRAVIN S. PATIL, J.]

[SMT. M. S. JAWALKAR, J.]

Choulwar