



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3519 OF 2024

Miss. Neha D/o Subhash Gaikwad,
Aged about 18 years,
Occupation-Student,
R/o. Dighi (Mahalle),
Tahsil-Dhamangaon Railway,
District-Amravati.

.. Petitioner

.. Versus ..

Deputy Director & Member -
Secretary, The Scheduled Tribe
Caste Certificate Scrutiny
Committee, Amravati.

.. Respondent

.....

Shri Ananta Ramteke, Advocate for Petitioner.
Ms. D.V. Sapkal, Assistant Govt. Pleader for Respondent.

.....

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

RESERVED ON : 12th AUGUST, 2025.
PRONOUNCED ON : 20th AUGUST, 2025.

JUDGMENT [Per : Pravin S. Patil, J.]

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

2. By this petition, petitioner is questioning the order dated 26.06.2023 passed by Respondent- Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati (for short 'Respondent-Committee').

3. It is the case of the Petitioner that she belongs to 'Mana' Tribe, which is recognized as Scheduled Tribe in the Constitution (Scheduled Tribe Order), 1950 at Sr. No.18. Accordingly, she has been issued the Tribe Certificate in her favour by the Competent Authority on 31.03.2018.

4. Petitioner referred the Caste Certificate dated 31.03.2018 to Respondent-Committee for verification along with requisite documents including pre-constitutional document i.e. birth extract dated 15.11.1923 and School Leaving Certificate dated 28.06.1939 of great-grandfather, wherein the caste 'Mana' is specifically recorded in his name. Respondent-Committee, after submitting the tribe claim, forwarded the said documents for verification to the Vigilance Cell. The Vigilance Cell conducted enquiry and submitted its report.

5. According to Petitioner, the Committee has procured one entry of birth, in the name of Ganpat and Sarja, as a son and daughter of grandfather Laxman Zibal wherein entry is recorded as 'Mani' (Kunbi). Petitioner was accordingly called to file reply in response to the notice issued to him after receipt of Vigilance Cell Report. Petitioner, by her reply dated 12.04.2023 specifically denied the said document stating that Ganpat and Sarja are not shown in the genealogical tree nor they are relatives of the petitioner. Hence, the entry relied by the Vigilance Cell is incorrect.

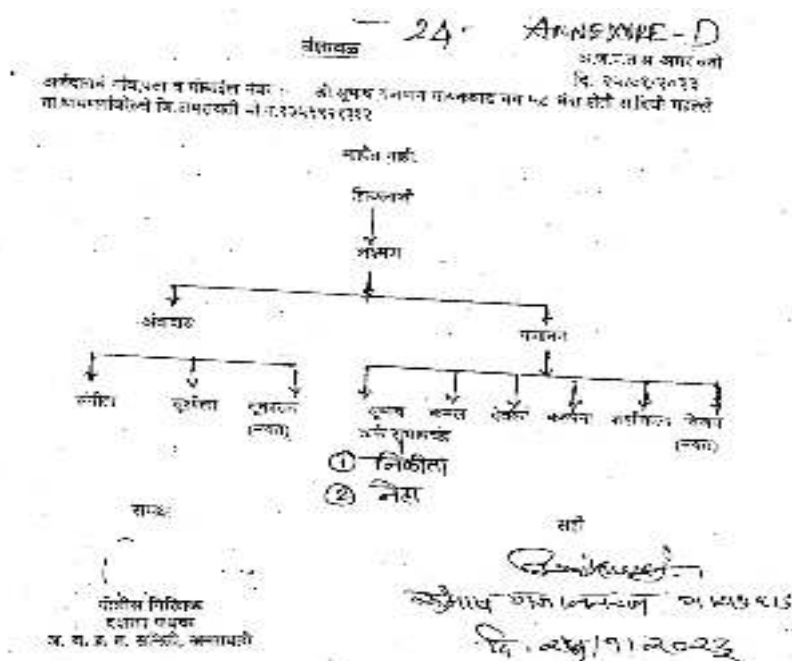
6. After tendering reply by the Petitioner, Respondent-Committee proceeded to decide the caste claim of the Petitioner and by the impugned order mainly on relying the documents procured by Vigilance Cell and particularly the entry dated 07.09.1932 which was denied by the Petitioner, rejected the caste claim of the Petitioner.

7. After filing of the present petition, the Respondent-Committee, vide their reply, opposed the petition by stating that

the documents procured by the Vigilance Cell during the period 1955 to 1965 shows that the caste of Petitioner was recorded as Mani Kunbi, Mani and Kunbi. Hence, considering the said entries, Petitioner failed to prove her caste claim on the basis of documentary evidence as well as affinity test. Hence impugned order passed by Respondent-Committee is legal and justified.

8. We have heard the respective counsel and perused the entire record. We have also gone through the original record produced by Respondent-Committee.

9. It is pertinent to note that the genealogical tree produced by the Petitioner before the Caste Scrutiny Committee is not disputed in the matter. According to the same, it is clear that great-great-grandfather Zibljaji was having only son namely Laxman (great grandfather). Laxman was having two sons namely, Ambadas and Gajanan (grandfather). To substantiate this factual position, the genealogical tree prepared by the Vigilance Cell is reproduced as under :



10. The Petitioner, in consonance with genealogical tree, placed on record the Birth Register Extract of showing the birth of one son to Laxman, dated 15.11.2023, wherein the caste is recorded as 'Mana'. Petitioner further relied upon the School Leaving Certificate of Gajanan, dated 28.06.1939, wherein caste is recorded as 'Mani'. Hence, according to her, these documents are being pre-independence era documents clearly shows that she belongs to Mana Scheduled Tribe.

11. Per contra, Respondent-Committee has relied upon the sole entry, dated 07.09.1932 of Birth-Death register extract, wherein Laxman Zibal is recorded to be the caste of 'Mani Kunbi' having the birth entry in the name of son Ganpat and

daughter Sarja.

12. We have considered the documents relied by both the parties. It is noticed by us that documents relied by petitioner of her ancestors are matched with their name. But the document relied by Respondent-Committee do not find the names of children of great grandfather matched with the descendant shown in genealogical tree. Hence, the entry recorded by the Vigilance Cell, which is relied by Respondent-Committee, according to us, found to be illegal.

13. It is pertinent to note that the Petitioner, who has relied upon the entry dated 15.11.2023, which is the oldest entry, is not disputed by the Vigilance Cell in the impugned order. On the contrary, the finding is recorded that the entry dated 15.11.2023 is found to be valid entry in the revenue record, therefore, rejecting the tribe claim of the Petitioner, according to us, is certainly illegal.

14. It is well settled position of law, while dealing with documentary evidence, greater reliance may be placed on

the pre-Independence documents, because they furnish a higher degree of probative value to the declaration of status of a caste. Further, it is well settled position of law that Caste Scrutiny Committee performs the role of verification of the claim and therefore can only scrutinize the documents and material produced by the applicant. Therefore, only option available with the Committee is to verify the material produced by the applicant and if applicant failed to prove his claim, the Committee cannot gather evidence on its own to prove or disprove his claim. Hence, considering this legal position, we are of the opinion that when the oldest/pre-independence document was available on record, the same ought to have been relied upon by the Committee Members.

15. Petitioner has rightly relied upon the judgment delivered by this Court in *Writ Petition No.5238/2022 (Ku. Rutuja d/o Banduji Gajbe .vs. Deputy Director and Member-Secretary, The Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati)* decided on 06.03.2024, wherein in Para 12, this Court observed as under :

12. Having considered the aforesaid discussion it emerges, that the petitioner has produced the oldest document dated 10-03-1924 before the Scrutiny Committee. The genuineness of the said document is not disputed by the Scrutiny Committee or the Vigilance Cell. Therefore, being the oldest document the same has a greater probative value than the other documents on record. Secondly, entries in respect of documents dated 21-05-1925 and 14-04-1926 pertain to the great-grandfather of the petitioner, in which his caste was shown as 'Mani' and as per the judgment of the Priya Gajbe (supra), same has to be read as 'Mana' as the said entry was mistakenly taken in the record as 'Mani'. The birth entry of the year 1935 as 'Mana Kunbi' i.e. the subsequent entry which is disputed by the petitioner during her explanation to the show cause notice. That being so, in our considered opinion, the oldest entry of the year 10-03-1924 has a greater probative value than the other documents, therefore, the same has to be taken into consideration while deciding the claim of the petitioner."

16. In the circumstances, considering the above said factual as well as legal position, we are of the considered opinion that impugned order passed by the Respondent-Caste Scrutiny Committee being bad in law is liable to be quashed and set aside. Hence, we proceed to pass the following order :

ORDER

- (i) The Writ Petition is allowed.
- (ii) The impugned order passed by the Respondent-Caste Scrutiny Committee dated 26.06.2023 is hereby quashed and set aside.

(iii) It is hereby declared that Petitioner belongs to 'Mana' Scheduled Tribe and accordingly Respondent-Caste Scrutiny Committee is directed to issue the Certificate of Validity in favour of Petitioner, within a period of four weeks from the date of production of this order.

(iv) Rule is made absolute in the above terms.
No costs.

(Pravin S. Patil, J.)

(Smt. M.S. Jawalkar, J.)