

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

WRIT PETITION NO. 3296 OF 2022

Vitthal S/o Manikrao Pullewad,
Aged about 45 years, Occ. Service,
R/o Sangnapur, Post- Nandappa,
Tah. Jiwti, Dist. Chandrapur-442908. **PETITIONER**

// VERSUS //

- 1) **Joint Commissioner & Vice-Chairman,**
Scheduled Tribe Caste Certificate
Scrutiny Committee, Complex Area,
Near Zilla Parishad Sankul, Gadchiroli.
- 2) **Chief Executive Officer,**
Zilla Parishad, Pune. **RESPONDENTS**

Mr. S. R. Narnaware, Advocate for the Petitioner.
Mr. A. S. Fulzele, Additional Government Pleader for
Respondent No.1.

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

DATE ON RESERVING THE JUDGMENT : 30.09.2025
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 15.03.2022, passed by the Respondent No. 1 Caste Scrutiny Committee, Gadchiroli thereby invalidating the caste claim of the Petitioner to the “Koli Mahadeo” Scheduled Tribe and further confiscating and cancelling the Caste Certificate issued to the Petitioner by the Sub-Divisional Officer, Rajura, Dist. Chandrapur on 03.12.2010.

3. It is the contention of the Petitioner that he was appointed as ‘Assistant Teacher’ on 03.04.1999 against the vacancy reserved for Scheduled Tribe Category and therefore the Petitioner submitted his proposal to the Respondent No. 1 Caste Scrutiny Committee for obtaining caste validity certificate. The Petitioner has also submitted the caste validity certificate of his cousin brother namely Gopal Baliram Pullewad dated 28.06.2011. In support of his caste claim, the Petitioner has submitted following documents of Pre-constitutional period:

Sr. No.	Description of Document	Caste/Tribe	Date
1	Sale Purchase Stamp (Bainama) in the name of Bali Vithoba Pullewad	Mahadeo Koli	1935
2	Sale Purchase Stamp (Bainama) in the name of Bali Vithoba Pullewad	Mahadeo Koli	1947

4. It is further contended by the Petitioner that initially, the Petitioner was appointed by the Chief Executive Officer (CEO), Zilla Parishad, Chandrapur and subsequently he was transferred to the Respondent No. 2 - Zilla Parishad, Pune vide order dated 16.06.2018. Thereafter Respondent No.2 has passed an order dated 16.09.2019 for posting the Petitioner as 'Under Graduate Teacher (Up-Shikshak)'. It is submitted by the Petitioner that in spite of completing his D.Ed in 2014, he is not given increment under Trained Teacher and still getting increment of Untrained Teacher.

5. The Petitioner further submitted that the Police Vigilance Cell conducted inquiry and submitted its report to the Respondent No. 1 Caste Scrutiny Committee on 11.10.2021, whereby the Petitioner had given his explanation to the said report on 08.11.2021 and specifically given the family tree mentioned in the validity certificate of cousin brother Shri Gopal Baliram Pullewad and also referred the oldest documents of Koli-Mahadeo pertaining to pre-presidential period i.e. 1935, 1943 and 1947. Thereafter, the impugned order dated

15.03.2022 is passed by the Respondent No. 1 Committee invalidating the Tribe claim of the Petitioner relying on the documents of the paternal side relatives of the Petitioner found to be 'Koli' ignoring the validity certificate of the cousin brother Gopal Baliram Pullewad, which is under challenged in this writ petition.

6. The learned Counsel for the Petitioner relied on the following Citations:

- (i) **Writ Petition No.472/2020**, Ishwar S/o Naga Bondalwar & Anr. Vs. The District Caste Certificate Scrutiny Committee, Gadchiroli & Ors., dated 26.07.2021;
- (ii) **Writ Petition No. 7327/2024**, Shraddha Sharad Wardekar Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal with connected matter, dated 21.08.2025;
- (iii) **Writ Petition No.4636/2019**, Balaji Janardan Pullewad Vs. State of Maharashtra & Ors., dated 06.06.2022;
- (iv) **Apoorva Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1, Nagpur**, reported in **2010(6) Mh.L.J. 401** and

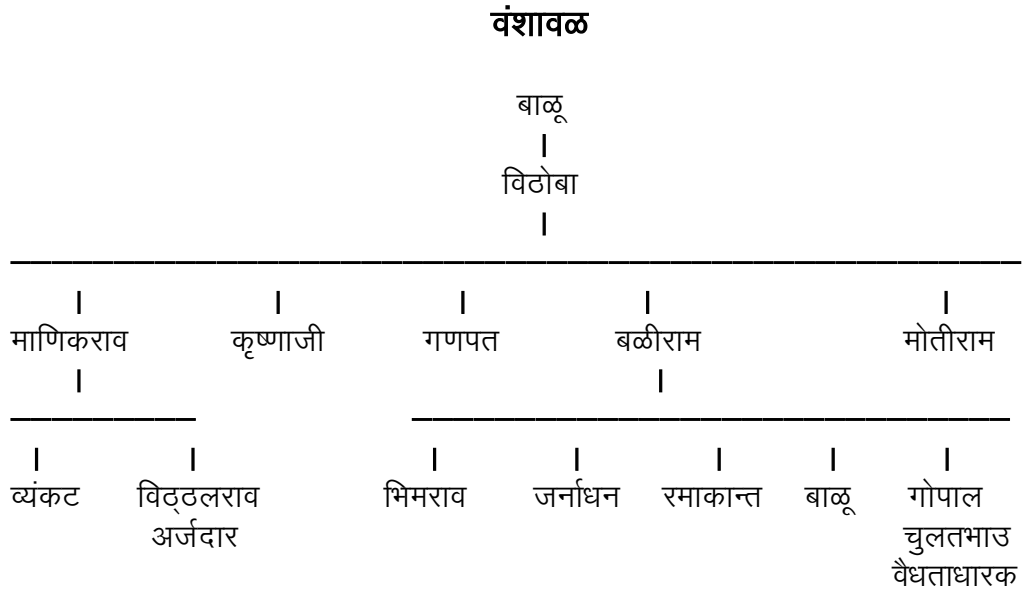
(v) **Anand Vs. Scrutiny Committee**, reported in **2011(6) Mh.L.J. 919**.

7. As against this, the Respondent No. 1 Caste Scrutiny Committee submitted that during the inquiry conducted by the Vigilance Cell, certain documents were procured by them pertaining to Dakhal Kharij Extracts of the blood relatives of the Petitioner from the year 1962 to 1984 which shows caste as “Koli” or “Koli M”. It is further contended that during the inquiry, entries of the caste ‘Koli’ were found of the relatives of the Petitioner in National Register of Citizens for the year 1951.

8. The Respondent No. 1 Caste Scrutiny Committee further contended that on perusal of the validation order of the Gopal Pullewad, it is revealed that there were entries pertaining to the caste Koli, which were overlooked by the Scrutiny Committee Aurangabad while granting validity in favor of Gopal Pullewad and therefore the caste validity certificate issued in his favor cannot be relied upon. The order passed by the Respondent No.1 Caste Scrutiny Committee is legal and there is no interference is warranted.

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

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



11. There is a validity certificate in favour of Gopal Baliram Pullewad dated 28.06.2011, issued by Competent Scrutiny Committee, declared as 'Koli Mahadev' Scheduled Tribe. The Petitioner also placed on record affidavit of said Gopal Pullewad showing the relationship that the Petitioner is his cousin brother. The family tree is also showing the name of

cousin brother as blood relative. The Vigilance Cell report was supplied to the Petitioner wherein all the entries are found 'Koli'. There is no reference of the validity certificate of the cousin brother Gopal Baliram Pullewad. The Police Vigilance Cell as well as Scrutiny Committee has admitted the relationship of the cousin brother Gopal Baliram Pullewad with the Petitioner. The Petitioner in reply specifically placed on record family tree as produced by the Gopal Pullewad and said was considered while issuing the validity certificate. The oldest document of Koli Mahadev of 1935, 1943 and 1947 are relied by the cousin brother of the Petitioner namely Gopal and the Scrutiny Committee considered the same and issued the validity certificate in favour of the cousin brother of the Petitioner.

12. The learned Counsel for the Petitioner relied on ***Anand Vs. Scrutiny Committee*** (supra), wherein the Hon'ble Apex Court in para 19 held as under :

“Needless to add that the burden of proving the caste claim is upon the applicant. He has to produce all the requisite documents in support of his claim. The Caste Scrutiny Committee merely performs the role of verification of the claim and therefore, can only scrutinise the documents and material produced

by the applicant. In case, the material produced by the applicant does not prove his claim, the Committee cannot gather evidence on its own to prove or disprove his claim”.

13. The Caste Scrutiny Committee invalidated the caste claim without considering the validity certificate issued in favour of cousin brother of the Petitioner. The validity certificate cannot be lightly brushed aside by the Scrutiny Committee in view of the Judgment in ***Apoorva Nichale*** (supra).

14. The Petitioner relied on the validity certificate issued in favour of his cousin brother Gopal Pullewad and also the document of 1935 which is the sale-deed of house property purchased by Bali S/o Vithoba Pullewad, wherein caste is shown as “Mahadeo Koli”. It is written in Urdu and translation is in Hindi. There is no mention whether the document is registered or not, however stamp is of 1935. The Petitioner also placed on record of the Caste Scrutiny Committee along with reply document dated 05th May, 1948, Sale Purchase Stamp (Bainama), purchased by Bali S/o Vithoba Pullewad, wherein caste is shown as Mahadeo Koli. The Stamp is of the year 1947. These two documents, as per Vigilance Cell Report, could not be

verified as they were in Urdu and it was not ascertained which office has issued the certified copies of the same. Even in certified copies back page is not there. Only because they are not getting proper authority, these two documents cannot be termed as suspicious. It could have been possible for the Vigilance Cell to procure the said record. Moreover, from the stamp of the documents, it appears that they were executed in 1935 and 1947. There is no requirement that the document should be registered one. It appears that it is an Agreement to Sell however, it would get authenticity if it is registered one. The documents are of Nizam period. The Vigilance Cell as well as the Scrutiny Committee assumes the documents as suspicious without verifying the record of the Nizam period and without compared with related revenue and commercial transaction like agreement to sell and sale-deed etc.

15. There is a Caste Certificate issued on 11.06.1990 issued by Executive Magistrate in favour of Vithoba Pullewad, showing his caste as Koli Mahadeo. There is another caste certificate issued in favour of Deepak Baburao Pullewad, issued

on 04.07.2004, showing his caste as Koli Mahadeo. The Petitioner placed on record validity certificate issued in favour of one Balaji Pandharinath Mudale, the Petitioner is son-in-law of the said Balaji Pandharinath Mudale.

16. The Petitioner made it clear in the reply that the Vigilance Cell has collected as many as 25 documents of 'Koli' entries of 1951, out of which most of the persons are not in relation of the Petitioner as per genealogy. There is Vishwnath S/o Shankar, Sarubai D/o Shankar, Samba S/o Balu, Bhogarthi D/o Samba, these persons are not related to the Petitioner and are also not from his family. In our considered opinion, unless it is shown how he is in relation with the Petitioner, those documents cannot be used for invalidating the caste claim of the Petitioner. Moreover, these entries are of 1951 means post constitutional period, whereas there are documents of pre-constitutional period placed on record. It is also contention of the Petitioner that the answers given by the Petitioner perfectly matches with the customs, rituals and culture of Koli Mahadeo, Scheduled Tribe. Thus, on the basis of old documents and

affinity, the Petitioner has discharged his burden. In view of that Caste Validity Certified issued in favour of Gopal Pullewad and caste certificate issued in favour of Manikrao Vithoba Pullewad, wherein their caste is shown as Koli Mahadeo, the Petitioner is entitled for validity certificate as claimed. In addition to School Leaving Certificate in respect of Vitthal Manikrao Pullewad, showing his caste as Koli Mahadeo. The Extract of Service Book of Vitthal Manikrao Pullewad, wherein his caste is shown as Koli Mahadeo.

17. It appears that the Caste Scrutiny Committee relied on the documents wherein the caste is shown as 'Koli', these documents are not the part of the record but only the entries are there. As mentioned by the Petitioner in reply, many of them are not in relation to the Petitioner. It is also contention of the Scrutiny Committee that the entry of 'कोळी म' is fabricated and 'म' is subsequently added, however these documents showing 'कोळी म' is not before the Court or before the Committee and only on the basis of remark, the Scrutiny Committee invalidated the caste claim of the Petitioner on this assumption. In view of the

validity certificate issued in favour of Gopal Baliram Pullewad and also caste certificate issued in favour of Manikrao Vithoba Pullewad, the Caste Scrutiny Committee ought to have validated the caste claim of the Petitioner.

18. The learned Counsel for the Petitioner relied on the Judgment in ***Writ Petition No. 472/2020*** (supra), wherein para 6 and 7 held as under :

*“6. We find that it was not permissible for the Caste Scrutiny Committee to have re-examined the caste certificates and Caste Validity Certificates issued to the petitioners on the grounds on which it was so sought to be re-examined as stated in the show cause notices. It is undisputed that there is no provision either in the Act of 2000 or the Rules framed thereunder to re-open/re-examine the matter of issuance of a Validity Certificate by it. This aspect as regards absence of statutory power to do so stands concluded by the decision of this Court in **Apoorva Vinay Nichale** (supra). It has been held in clear terms that a mere different view on the same facts would not entitle the Scrutiny Committee dealing with a subsequent caste-claim to reject such claim. As stated above it is on the basis of fresh material in the form of old revenue records of the year 1922-24 that the exercise of re-examining the Caste Validity Certificate was undertaken by the Scrutiny Committee. We thus find that in absence of any statutory power either under the Act of 2000 or the Rules framed thereunder to re-examine a Caste Validity Certificate already issued, the exercise undertaken by the*

Scrutiny Committee pursuant to the show cause notices issued by it was without jurisdiction.

7. We may note that neither in the show cause notices nor in the impugned orders cancelling the Caste Validity Certificates issued to the petitioners is there any reference made to “fraud” being practiced by the petitioners while obtaining the Caste Validity Certificates. It is however sought to be urged by the Scrutiny Committee that it exercised such power on the premise that the petitioners while seeking verification of their caste-claims had not referred to the old revenue records of 1922-24 and hence the same amounted to playing fraud. It may be stated that it was the Scrutiny Committee which was satisfied with the documents relied upon by the petitioners when they had sought verification of their caste-claims. The Scrutiny Committee did not deem it fit to obtain a report of the Vigilance Cell and instead proceeded to issue Caste Validity Certificates to the petitioners. Such power of dispensing with an inquiry by the Vigilance Cell is vested with the Scrutiny Committee by virtue of Rule 17(6) of the Rules of 2012. The premise on which the Caste Validity Certificates issued to the petitioners has been cancelled is that the petitioners failed to bring before the Scrutiny Committee the old revenue records of 1922-24. In our view such alleged act of the petitioners failing to bring before the Scrutiny Committee the old revenue records can hardly amount to playing fraud while seeking the Caste Validity Certificate. In this regard useful reference may be made to the observations in **Shri Krishnan vs. The Kurukshetra University, Kurukshetra AIR 1976 SC 376** wherein the Honourable Supreme Court observed that it is well settled that where a person on whom fraud is committed is in a position to discover the truth by due diligence, fraud is not proved. It

would neither be a case of *suggestio falsi* or *suppressio veri*. In other words, it was open for the Scrutiny Committee while verifying the Caste Certificates of the petitioners to have conducted an inquiry by the Vigilance Cell. The Scrutiny Committee however did not deem it necessary to have such inquiry being undertaken by the Vigilance Cell. The Scrutiny Committee was thus in a position to discover the old revenue records of 1922-24 by exercise of due diligence which could have been done by holding an inquiry by the Vigilance Cell. It however did not choose to do so and thus it would not be legally permissible now for the Scrutiny Committee to urge that by not referring to old revenue records of 1922-24 the petitioners were guilty of practicing fraud. As stated above though the aspect of fraud was neither stated by the Scrutiny Committee in its show cause notices nor referred to in the impugned orders we have dealt with said aspect as the impugned orders were sought to be supported on that count before this Court.”

19. The learned Counsel for the Petitioner also placed reliance on Judgment of this Court in **Writ Petition No.7327/2024** with connected writ petition, this Court relied on the Judgment of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.***, reported in **2023(2) Mh.L.J. 785**, wherein it is held as under :

“36. Thus, to conclude, we hold that:

(a) Only when the Scrutiny Committee after holding an enquiry is not satisfied with the material

produced by the applicant, the case can be referred to Vigilance Cell. While referring the case to Vigilance Cell, the Scrutiny Committee must record brief reasons for coming to the conclusion that it is not satisfied with the material produced by the applicant. Only after a case is referred to the Vigilance Cell for making enquiry, an occasion for the conduct of affinity test will arise.

(b) For the reasons which we have recorded, affinity test cannot be conclusive either way. When an affinity test is conducted by the Vigilance Cell, the result of the test along with all other material on record having probative value will have to be taken into consideration by the Scrutiny Committee for deciding the caste validity claim; and

(c) In short, affinity test is not a litmus test to decide a caste claim and is not an essential part in the process of the determination of correctness of a caste or tribe claim in every case.”

20. Reliance is also placed on Judgment of this Court in ***Writ Petition No.4636/2019***, (*Balaji Janardan Pullewad Vs. State of Maharashtra & Ors.*). The petitioner in the said Judgment is in relation with the present Petitioner. In the said Judgment, this Court held as under :

“11. For the reasons stated above, we have no hesitation in holding that the petitioner has conclusively established his claim for "Koli Mahadeo" (Scheduled Tribe) on the basis of the document having probative value. There is no occasion for the Scrutiny Committee, in view of the

*decision of the Apex Court in the case of **Anand** (supra), to raise a doubt to hold that the petitioner has failed to establish his claim regarding his caste. Therefore, the order passed by the Scrutiny Committee invalidating the claim of the petitioner for "Koli Mahadeo" (Scheduled Tribe) cannot be sustained. The same will have to be quashed by granting a declaration that the petitioner has established his claim, on the basis of the document produced on record, for "Koli Mahadeo" (Scheduled Tribe)".*

21. As such, this Court has already directed to issue caste validity certificate for "Koli Mahadeo" in case of Balaji Pullewad. In view of this, the Petitioner is also entitled for grant of validity certificate. This judgment is passed on 06/06/2022 which is near to date of filing of the present petition. There is no element of fraud or suppression claimed by the Committee. As such, in view of Judgment of **Apoorva Nichale** (supra), wherein it is categorically held that, "if a blood relative has been granted a validity certificate earlier, then such a candidate can be granted a validity certificate without calling for Vigilance Cell Report unless and until the certificate granted to the blood relative is found to be tainted by fraud and generated without jurisdiction. The Committee without recording findings of fraud

or without jurisdiction, ought not to have invalidated the caste claim of the Petitioner”.

22. As such, the order passed by the Caste Scrutiny Committee is erroneous, perverse and contrary to the Judgment passed by this Court as well as the Hon’ble Apex Court. The Petitioner duly established that he belongs to ‘Koli Mahadeo’, Scheduled Tribe. Accordingly, we pass the following order :

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 15.03.2022, passed by the Respondent No.1 – Scheduled Tribe Caste Certificate Scrutiny Committee, Gadchiroli in case No. सआ/अजप्रतस/गड/111/285/34/2013, is hereby quashed and set aside.
- (iii) It is declared that the Petitioner duly established that he belongs to “Koli Mahadeo” Scheduled Tribe.
- (iv) The Respondent No.1 – Scheduled Tribe Caste Certificate Scrutiny Committee, Gadchiroli is hereby directed to issue validity certificate of “**Koli Mahadeo**” Scheduled Tribe to the Petitioner – **Vitthal S/o Manikrao Pullewad** within a period of three weeks.

Rule is made absolute in the above terms. No order
as to costs.

(RAJ D. WAKODE, J.)

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

Kirtak