



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

**WRIT PETITION NO. 5000 OF 2024**

Dr. Mayur Ramkrishnarao Hedao  
 age : 39 years, Occ : Doctor,  
 R/o.Flat No.A9/10/03, Millennium  
 Towers, Sector 9, Sanpada, Navi  
 Mumbai – 400 705



**.. Petitioner**

**Versus**

- 1) The State of Maharashtra,  
 Through its Secretary,  
 Ministry of Tribal Development  
 Department, Mantralaya,  
 Mumbai – 32
- 2) The Scheduled Tribe Caste  
 Certificate Scrutiny Committee,  
 Amravati, through its Deputy  
 Director / Member Secretary,  
 Amravati



**.. Respondents**

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 Mr. R.N.Ghuge, Advocate for Petitioner.

Mr. N.R.Patil, Assistant Government Pleader for respondents.  
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**CORAM : AVINASH G. GHAROTE AND**  
**ABHAY J. MANTRI, JJ.**

**RESERVED ON : JANUARY 29, 2025**

**PRONOUNCED ON : MARCH 06, 2025**

**JUDGMENT** (Per : Abhay J. Mantri, J.)

Heard. **Rule.** Heard finally, with the consent of the learned  
 counsel, appearing for the parties.

(2) The petitioner is aggrieved by the order dated 29/12/2023 passed by respondent No.2, the Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati (for short '*the Committee*'), thereby the claim of the petitioner that he belongs to "**Halbi**", Scheduled Tribe has been invalidated.

(3) The petitioner claims that he belongs to "*Halbi*", a Scheduled Tribe, and accordingly, on 14/10/1999, the Sub Divisional Officer, Achalpur, had issued a caste certificate in his favour. On 17/08/2000, the petitioner, through Principal Bharat Vidhyalaya and Junior College, Buldhana, forwarded his caste certificate along with the documents to the respondent Committee for verification. On 22/06/2001, the respondent No.2 Committee rejected the petitioner's claim that he belongs to "*Halbi*", a Scheduled Tribe. Aggrieved by the said order, he approached this Court in Writ Petition No.3107/2001. After considering the documents produced on record, this Court had observed that "the respondent No.2 Committee had not given due consideration to the document produced at Sr.No.5 therein and, therefore, set aside the order passed by the respondent No.2 Committee, and the matter was remanded back to the Committee for consideration afresh in accordance with the law. Also, the petitioner was permitted to appear for the May 2012 examination provisionally, subject to the decision of the committee. The petitioner completed his

post-graduation (Medicine) in 2013 by the said order.

(4) Pursuant to the order of this Court, the petitioner appeared before the Committee and submitted various pre-Constitutional era documents, indicating that his family members belonged to the "*Halbi*", a Scheduled Tribe. The Committee was dissatisfied with the documents submitted by him and forwarded them to the Vigilance Cell for a detailed enquiry. The Vigilance Cell has thoroughly enquired and submitted its report to the respondent No.2 Committee.

(5) During the enquiry, the Vigilance Cell found adverse entries of the years 1913, 1921 and 1971 pertaining to the grandfather, great-grandfather and cousin-brother of the petitioner wherein their caste was recorded as "*Koshti* and Hindu Halbi Koshti" and accordingly, the Vigilance Cell submitted its report to the respondent No.2 Committee.

(6) Based on the report, the respondent No.2 Committee, vide show-cause notice dated 15/05/2023, called upon the petitioner to explain the adverse entries found during the enquiry. In response, he submitted an explanation before the Committee on 22/05/2023. After affording an opportunity to the petitioner and considering the Vigilance

Cell report, explanation, and documents on record, the respondent No.2 Committee, vide impugned order dated 29/12/2023, rejected the petitioner's tribe claim. Hence, this petition.

(7) Learned counsel for the petitioner vehemently contended that to substantiate the claim, the petitioner has produced seventeen documents. Out of them, six documents are from the pre-constitutional era from 1933 to 1948. However, the Committee, relying on the documents produced by the Vigilance Cell of the years 1913 and 1921, pertains to the grandfather and great-grandfather of the petitioner erroneously rejected the claim, which categorically indicates that the petitioner's ancestors belong to "*Halbi*", Scheduled Tribe. The respondent No.2 Committee erred in ignoring six pre-Constitutional era documents. However, it relied upon 02 documents found by the Vigilance Cell during the enquiry, which are not sustained in the eyes of the law and, therefore, the order is liable to be set aside.

(8) He further canvassed that in the documents of 1913 and 1921, in which caste entries were shown as "*Koshti*", they were not related to the petitioner. Therefore, the petitioner raises an objection about the same. However, the respondent No.2 Committee has discarded the same without assigning any cogent reason, and thus, it cannot be sustained in the eyes of the law.

Alternatively, he submitted that during the pendency of the petition, the petitioner had discovered the document of the year 1889 in respect of his great-grandfather Gangaram Dashraji showing his birth year as 1883, wherein his caste was shown as "*Halbi*"; however, the said document was not available with him at the time of hearing before the respondent No.2 Committee and therefore, could not be produced it. Based on the said document, he propounded that the said document is the oldest one, and based on the said document and six other pre-Constitutional era documents, the petitioner has demonstrated that he belongs to "*Halbi*", a Scheduled Tribe. Accordingly, he amended the petition. Hence, he urged for allowing the petition.

(9) On the contrary, the learned Assistant Government Pleader has strenuously opposed the petition, contending that during the Vigilance Cell enquiry, the Vigilance Cell has discovered adverse entries in three documents of the years 1913, 1921 and 1971 pertaining to grandfather, great-grandfather and cousin-brother of the petitioner, wherein their caste had been recorded as "Koshti/Hindu Koshti Halbi" and petitioner failed to explain those adverse entries. After considering those entries, the Committee has rightly rejected the tribe's claim of the petitioner.

(10) He further argued that the petitioner had not produced the documents of 1889 before the respondent No.2 Committee to verify its authenticity and consider the same. Therefore, it would not be proper to consider this, as the same was not verified through the Vigilance Cell. So, alternatively, he submitted that if the petitioner wants to rely on the said document, in such circumstances, the matter is required to be remanded back to the Committee for verification of the said document. Thus, he urged the dismissal of the petition.

(11) We have appreciated the rival submissions of the learned counsel for the parties, perused the documents and original record, and returned it.

(12) At the outset, it is evident that the petitioner, in support of his claim, has produced seventeen documents. Out of them, six documents are from the pre-Constitutional era, i.e. 1933 to 1948, pertaining to his father, grandfather, and uncle, wherein their caste had been recorded as "**Halbi**", a Scheduled Tribe. It also appears that the Vigilance Cell, during the enquiry, has discovered two documents dated 01/04/1913, 15/01/1921, and 01/07/1971, pertaining to grandfather, great-grandfather and cousin-brother of the petitioner, respectively, wherein their caste had been recorded as "Koshti/Hindu Halbi Koshti" and considering the same, the respondent No.2 Committee has

rejected the claim of the petitioner. These two documents are older than the documents produced by the petitioner.

(13) Notably, the petitioner had not denied documents of 1913 and 1921 that those are not of his grandfather and great-grandfather, but, in the explanation, he had only stated that they were engaged in the profession of weaving, so a possibility of mentioning their cast as “*Koshti*” cannot be ruled out. Non-denial of these documents leads to drawing an adverse inference against him. In such an eventuality, a burden is cast upon him to demonstrate that he belongs to the “Halbi caste and not Koshti”.

(14) It is pertinent to note that during the pendency of the petition, the petitioner discovered the document of the year 1889 pertains to his great grandfather, namely, Gangaram Dashraji, wherein his date of birth was mentioned as 1889. His caste was recorded as “Halbi”, a Scheduled Tribe. However, the said document could not be produced by the petitioner before the respondent No.2 Committee to verify its authenticity.

(15) The petitioner has produced a copy of the document of 1889 before us. A perusal of the said copy prima facie reveals that the said entry is of the year 1889, and according to the claim of the

petitioner, the same pertains to his great-grandfather and his caste was recorded as "**Halbi**". Thus, considering the facts described above, it is evident that the document relied on by the petitioner before the Court of 1889 was not produced before the respondent No.2 Committee. The said document was neither verified by the Committee through Vigilance Cell nor considered the same while determining the claim of the petitioner. It is to be noted that the said document is the oldest one of the year 1889. In such circumstances, in our view, to ascertain the authenticity of the said document, it would be proper to remit the matter back to the respondent No.2 Committee for its verification and consideration.

(16) Consequently, to resolve the said controversy, we deem it appropriate to remit back the matter to the respondent No.2 Committee for re-consideration with a direction to conduct verification of the newly discovered document of 1889. Therefore, without going into the merits of the matter, it would be proper to quash and set aside the impugned order and remit back the matter to the respondent No.2 Committee for consideration afresh. As such, we pass the following order :

(17) The impugned order dated 29/12/2023 passed by the respondent No.2 Committee is hereby quashed and set aside. The

matter is remitted back to respondent No.2 Committee for consideration afresh in accordance with law.

(18) Needless to clarify, the petitioner is at liberty to produce the document of the year 1889 before the respondent No.2 Committee. The respondent No.2 Committee is directed to verify the authenticity of the said document and pass appropriate orders in accordance with law within a period of three months from the date of appearance of the parties. The petitioner is directed to appear before the committee on 13.03.2025.

(19) Rule is made absolute in the above terms.

**[ ABHAY J. MANTRI, J.]**

**[ AVINASH G. GHAROTE, J.]**

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