



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

WRIT PETITION NO. 3166 OF 2024

Vasundhara D/o Vinod Dadmal,
Aged about 17 years, Occ.- Student,
Through her natural guardian - father
Vinod S/o Suryabhan Dadmal,
Occ.- Service, R/o. At Post Vijaygopal,
Tq. Deoli, Dist. Wardha.

.... **PETITIONER**

// **VERSUS** //

**The Scheduled Tribe Caste Certificate
Scrutiny Committee,** through its
Member Secretary and Deputy Director,
Giripeth, Nagpur.

.... **RESPONDENT**

Mr. Rashi Nagrare, Advocate for Petitioner.

Mr. S. B. Bissa, Assistant Government Pleader for Respondent.

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

DATE : 14th JULY, 2025.

ORAL JUDGMENT :- (Per : M. S. JAWALKAR, J.)

1. Heard. **Rule.** Rule made returnable forthwith.
2. Matter is taken up for final hearing at the stage of admission by consent of the parties and on request of the parties.

3. Present Petition is filed challenging the order dated 05.03.2024, passed by the Schedule Tribe Caste Certificate Scrutiny Committee, Nagpur invalidating the caste certificate of the Petitioner as she belong to “Mana” Schedule Tribe category which is appearing at Sr. No.18 in the Presidential Order 1950. The impugned order dated 05.03.2024 is under challenged.

4. It is the contention of the Petitioner that there are as many as seven Validity Certificate, copies of which were placed before the Caste Scrutiny Committee. As such the Scrutiny Committee ought to have validated the claim of Petitioner as she belongs to “Mana” Scheduled Tribe.

5. It appears that there is no dispute over the genealogy. The documents in question were already considered by this Court in ***Writ Petition No. 5201/2023 (Vaishnavi Vijayrao Dadmal Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur and others)*** decided on 05.04.2024. Vaishnavi is in relation of Petitioner. The validity certificate issued in favour of blood relative is considered in the said judgment.

6. The learned Assistant Government Pleader submitted that there are two entries of caste “Mani”. However, those are

subsequent to 1950, therefore, they ought not to have considered by the Caste Scrutiny Committee. Moreover, if at all the Petitioner or her forefather by misleading the Authority attempted to take advantage of the Caste, they would have mentioned in the documents pertaining to year 1950 as “Mana” and not “Mani”.

7. The learned Counsel for the Petitioner relied on ***Apoorva D/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others***, reported in ***2010(6) Mh.L.J. 401***, wherein the Hon’ble Apex Court held in para 7 as under :

“7. We thus come to the conclusion that when during the course of enquiry the candidate submits a caste validity certificate granted earlier certifying that a blood relation of the candidate belongs to the same caste as that claimed by the applicant, the committee may grant such certificate without calling for Vigilance Cell Report. However, if the committee finds that the earlier caste certificate is tainted by fraud or is granted without jurisdiction, the Committee may refuse to follow and may refuse to grant certificate to the applicant before it. ”

In the above referred judgment the Hon’ble Apex Court held that when any blood relative is issued with a validity certificate after due vigilance inquiry, then the Petitioner in that

case is entitled to get his validity certificate of the same caste. There is no allegation of any fraud or fabrication.

8. The learned Counsel for Petitioner also placed reliance on *Priya Pramod Gajbe Vs. The State of Maharashtra & Ors.*, reported in *(2023) 16 SCC 409*, wherein the Hon'ble Apex Court in para 10 held as under :

“10. A perusal of the report of the Vigilance Committee itself would reveal that the appellant’s great grandfather’s birth record show the caste as “Mana”. The said document relates to as early as 10-3-1924, while another document of 14-4-1926 shows as “Mani”. However, it is pertinent to note, and the learned counsel for the parties also agree, that there is no caste named “Mani”. It is thus possible that there could be some mistake in writing when the caste was written. It is to be noted that original record is written in Marathi and not in English. As such, such an error is quite possible.

9. The Caste Scrutiny Committee shall follow the procedure laid down in the Maharashtra Scheduled Caste, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000. The Caste Scrutiny Committee acted unjustifiably when

there is a validity in the blood relation declared by this Court. If at all there is any ground to disbelieve that certificate, there is a procedure given in Section 7 of the said Act. Without following any procedure, the Caste Scrutiny Committee passed the illegal order discarding old documents having more probative value and holding that affinity test and area restriction, is not satisfied.

10. As such, the Petition is liable to be allowed and impugned order is liable to be quashed and set aside as it is contrary to the order passed by this Court. Accordingly, we pass the following order :

- (i) The Writ Petition is **allowed**.
- (ii) The order dated 05.03.2024, passed by the Schedule Tribe Caste Certificate Scrutiny Committee, Nagpur in the matter of Ku. Vasundhara Vinod Dadmal, is hereby quashed and set aside.
- (iii) It is held that the Petitioner duly established that she belongs to Scheduled Tribe “Mana” as included in Entry No.18 of the Constitution (Schedule Tribes) Order, 1950.
- (iv) The Respondent - Schedule Tribe Caste Certificate Scrutiny Committee, Nagpur is hereby directed to issue

validity certificate to the Petitioner of Schedule Tribe “Mana” within a period of two weeks.

- (v) Till such time, this judgment shall be treated as a document certifying the validity of the Petitioner being entitled to the benefits of “Mana” Scheduled Tribe Category.

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

(PRAVIN S. PATIL, J.)

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

Kirtak