



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

WRIT PETITION NO. 3792 OF 2019

Dhanraj S/o Shamrao Nimje
.Vs.

The Scheduled Tribe Certificate Scrutiny Committee, thr. its Secretary Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr. S.P. Bhandarkar, Advocate for the petitioner.

Mr. D.P. Thakare, AGP for respondent Nos.1 and 2.

CORAM : NITIN W. SAMBRE AND
MRS. VRUSHALI V. JOSHI, J.J.
DATE : 24.04.2025

Heard.

2. The challenge is to the order dated 19.04.2018, whereby the tribe claim of the petitioner belonging to the “Halba Scheduled Tribe” is rejected.

3. While rejecting the claim, the Committee has relied on two adverse entries from the pre-independence era, one in relation to Dashrath Bodal Sitaram, cousin uncle of the petitioner and second in relation to Kamla Namdev Bodal, paternal aunt of the petitioner. In the record of both theses aforesaid persons, the caste is recorded as “Koshti” and the profession of the Kamlabai is shown as “weaving”. The fact remains that the petitioner

has not disputed the relationship with these two persons whose castes are recorded as Koshti. The only explanation coming forthwith is that the caste is not mentioned in the caste column whereas same is suffixed with the names of these two persons.

4. The petitioner is unable to explain the entry of Koshti, which is suffixed with the names of these two persons.

5. Section 8 of the Maharashtra Scheduled Castes, 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 casts a burden on the petitioner to prove that he belongs to a particular tribe and as such is entitled for validity.

6. Since, the petitioner is unable to discharge his burden and he has already admitted the relationship with these two persons whose caste entries of the pre-independence era are that of Koshti, which is not included in the Scheduled Tribe Category, no fault or illegality could be noticed in the impugned order passed by the Committee on 19.04.2018. That being so, the

petition lacks merit and stands dismissed.

7. However, we make it clear that it shall be open for the petitioner to apply for the caste certificate and also claim issuance of validity based on the same.

(MRS. VRUSHALI V. JOSHI, J)

(NITIN W. SAMBRE, J.)

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