



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

WRIT PETITION NO. 4659 OF 2024

Dnyanendra Shamrao Hedao,
Aged about 49 years,
Occupation - Assistant Professor in,
Arts, Science & Commerce College,
Chikhaldara, r/o Paratwada, R/o.03,
Gurukul Colony, Paratwada-444805
Tq. Achalpur, District Amravati.

.... **PETITIONER**

// VERSUS //

- 1) **Schedule Tribe Caste Certificate
Scrutiny Committee, Amravati,**
Through its Member Secretary,
in front of State Information
Commission Office, Amravati-444602
- 2) **Sipna Shikshan Prasarak Mandal,
Amravati,** through its Secretary,
Chunna Bhatti, Mudhodkarpeth,
Amravati – 444601.
- 3) **Principal,** Arts, Science and Commerce
College, Chikhaldara 444807,
District Amravati.

.... **RESPONDENTS**

Mr. R. S. Parsodkar, Advocate for Petitioner.
Mr. A. V. Palshikar, Assistant Government Pleader for
Respondent No.1.
Ms. Sonali Khobragade, Advocate for Respondent
Nos.2 and 3.

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

**DATE ON RESERVING THE JUDGMENT : 16.09.2025
DATE ON PRONOUNCING THE JUDGMENT : 25.09.2025**

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 29/07/2024, passed by the Respondent No.1 – Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati thereby invalidating the tribe claim of the Petitioner as “Halbi” Scheduled Tribe enlisted at Sr. No. 19 of the Scheduled Tribe Order.

3. The contention of the Petitioner is that he is working as ‘Assistant Professor’ in Respondent No.3 College. The Petitioner has been issued a Caste Certificate by the Executive Magistrate, Achalpur, District Amravati on 23/03/1992. However, the Respondent No. 1 Committee, without obtaining a Vigilance Cell Report, issued a Caste Validity Certificate to the

Petitioner certifying that he belongs to Halba Koshti, sub-caste of Koshti caste on 30/07/1994. The Petitioner further contended that as per the Judgment of this Court in case of ***Milind Katware Vs. State***, this Court held that the Halba Koshti is sub-tribe of Halba/Halbi and therefore they are entitled for benefit of Halba/Halbi. The State Government against the said Judgment filed an appeal before the Hon'ble Apex Court, the Hon'ble Apex Court did not grant stay, with the result that the Committee started issuing validity certificate of Halba Koshi. Thereafter, the Hon'ble Apex Court reversed the Judgment of this Court and held that Halba/Halbis are entitled for validity however, Halba Koshtis cannot be considered as Scheduled Tribe and are not entitled for caste validity certificates. In view of that the Validity Certificated issued to the Petitioner was cancelled by the Caste Scrutiny Committee on 19/04/2004.

4. It is further contended that the Petitioner has filed a Petition before this Court vide Writ Petition No.2930/1994 challenging the conditional validity certificate dated 30.07.1994 and the order dated 19/07/2004 passed by the Respondent Committee. This court vide order dated 28/08/2013, set aside

the orders dated 30/04/1994 and 19/07/2004 and remanded the proceedings back to the Respondent No. 1 Committee for deciding afresh and further directed the Respondent No. 1 Committee to complete the proceedings within one year and if the decision of the Scrutiny Committee goes against the Petitioner, the same shall not be effective for a period of 15 days from the date of its communication. It is further contended that after remand, the Caste Scrutiny Committee called the Vigilance Cell report, the Vigilance Cell submitted its report on 13/03/2024, in which one entry of 'Vithoba' who is recorded as 'Koshti' on 13/09/1916 is found and in the sale deed of Vithoba Mangala Hedao, it is recorded as Halbi of 1948. The petitioner submitted his reply to the Vigilance Cell, wherein he contended that the said entry of Vithoba of the year 1916 is a different person and not the great grandfather of the Petitioner. Since Vithoba Mangalaji's (great grandfather of the Petitioner) entries are there right from 1944-45, the entry of 13/09/1946 is denied. Thereafter, the Caste Scrutiny Committee by the impugned order dated 29/07/2024 decided the caste claim of the Petitioner which is challenged under this Petition.

5. Among the documents submitted by the Petitioner in support of his caste claim, following are the documents having old entries before the year 1950:

Sr. No.	Description of Document	Date
1	School Leaving Certificate of Father	01.04.1950
2	Dakhal Kharij Register of father showing caste Halbi	01.04.1950
3	School Leaving Certificate of Grandfather	12.04.1922
4	Dakhal Kharij Register of Grandfather	12.04.1922
5	Birth Certificate of Father	18.10.1943
6	Sale Deed of Great Grandfather Vithoba	08.06.1944
7	Entry of caste in Sale Deed in respect of Great Grandfather	01.06.1945

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

- (i) ***Priya Pravin Parate Vs. Scheduled Tribes Caste Certificates Scrutiny Committee, nagpur & Ors.***, reported in ***2013(1) Mh.L.J. 180***;
- (ii) ***Writ Petition No. 4061/2018, Ms. Swati Krushnarao Hedao Vs. The Schedule Tribes Caste Certificate Scrutiny Committee, Amrvati & Anr.***, dated ***10/07/2023***.

7. The Respondent No. 1 Committee, while rejecting the caste claim of the Petitioner has relied solely on the document procured by the Vigilance Cell in its report dated

13/03/2024, which shows the birth entry dated 13/09/1916 of one Vithoba, who is shown to belong to Koshti caste. The learned Assistant Government Pleader submitted that the order passed on 29/07/2024 is well reasoned and there is no interference warranted.

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

9. For the sake of convenience the Family-tree is reproduced as under :



10. It appears that in Writ Petition No.2390/1994 vide order dated 28/08/2013, the Caste Scrutiny Committee was

directed to decide the claim within a period of one year however, the Report of the Vigilance is called in the year 2024. The document pertains to Shamrao Namdeorao Hedao, his date of birth is 18th October, 1943, he admitted in the school in 1950 and his Caste is shown as 'Halbi' (page-28). There is another document showing date of birth of Namdeo Vithoba Hedao as 01st February, 1915, he was admitted in the school on 12/04/2022 to 04/04/1926 (page-29). The another document on which reliance is placed by the Petitioner is in respect of Janardan Vithoba, wherein the caste is shown as 'Halbi'. He admitted in the school on 01/04/1931 to 11/03/1932, his date of birth is shown as 16/07/1920 and he passed out from 4th standard (page-117). The Petitioner also placed reliance on document in respect of Pralhad Namdeo Hedao, in the said document, Caste is shown as "Halbi". He was admitted in the school on 03/04/1944 till 12/03/1948, his date of birth shown as 09/11/1937 (page-118). The Petitioner also placed reliance on document i.e. Sale-deed dated 31/05/1948, wherein Vithobaji Mangalji Hedao is shown as Halbi (page-125). There

is one more Sale-deed dated 06/05/1948, wherein Vithoba Mangalaji Hedao is shown as Halbi (page-31).

11. The Vigilance Cell procured two entries as Koshti and Halbi Koshti in respect of Vithoba. So far as document No.2 (page-47) in respect of Vithoba Mangalaji Hedao, which is the document produced on page No.31 by the Petitioner itself showing caste 'Halbi'. There is no reference of caste Koshti in the said document. The document at Serial No.1, the Vigilance Cell procured this document dated 13/09/1916, wherein there is mention of Vithoba Koshti, however, there are no further details of Vithoba nor his full name is mentioned. It is also made clear that whether said Vithoba gave birth to one male or female child, in absence of any details of that Vithoba, this entry cannot be considered and should not be considered by the Caste Scrutiny Committee. There are two sons to Vithoba namely Namdeo born in 1915 and Janardan born in 1920. Thus, the entry of Vithoba shown in the document of 13/09/1916 cannot be said to be in relation to the Petitioner. The Caste Scrutiny Committee relied on these two documents, which are not at all in relation to the Petitioner.

12. Moreover, it is not explained as to how these persons are in relation to the Petitioner. It is a common knowledge that there are so many persons by same name therefore, unless there are details of that persons, that entry should not be relied on. It appears that the Caste Scrutiny Committee did not consider the reply of the Petitioner and after remand on 28/08/2013, conducted vigilance in the year 2024, though there was a direction to decide the same in one year. Thus, the documents which are relied on by the Caste Scrutiny Committee are of persons who are not in relation to the Petitioner. The findings recorded is thus perverse, erroneous and unsustainable.

13. The learned Counsel for the Petitioner relied on **Priya Pravin Parate** (supra), wherein this Court in para 10 held as under :

“10. Insofar as the reliance on some of the entries pertaining to petitioners relatives from paternal side showing caste to be ‘Koshti’ on which Mr. Deshpande, learned Counsel relies, are concerned, perusal of the said document would reveal that though the caste of the said person is written as Koshti, the profession is also shown as weaving. As can be seen from the Gazetteer of Amravati District, that Halbi’s in erstwhile Ellichpur and Anjangaon Surji in Daryapur Taluq in Amravati District were

also engaged in the profession of weaving. It is common knowledge that persons engaged in the profession of weaving were called as “Koshti”. A possibility cannot be ruled out that due to this, said entries might have recorded. It is also relevant to refer to some portion from the authority of R. V. Russell on Tribes and Castes of the Central Provinces of India, published in 1916, wherein while dealing with the Halba Tribe, it has been stated that “Some of these soldiers may have migrated west and taken service under the Gond Kings of Chanda, and their descendants may now be represented by the Bhandara Zamindars, who, however, if this theory be correct, have entirely forgotten their origin. Others took up weaving and have become amalgamated with the Koshti caste in Bhandara and Berar.

From the aforesaid authority, it would reveal that persons belonging to Halba Tribe had migrated to west and taken service under the Gond Kings of Chanda. It can also be seen that some of them had taken to weaving and had amalgamated with the Koshti caste in Bhandara and Berar. Merely because some stray entries as “Koshti” are recorded in respect of caste of some of the relative of petitioners from their paternal side; the voluminous documentary evidence of pre-Constitution era which clearly certify the petitioners great-grandfather and his brothers to be Halbi, could not have been lightly brushed aside by the Scrutiny Committee. As discussed hereinabove, the Hon’ble Apex Court in case of Anand (supra), found that the pre-Independence documents have a greater probative value and they should be given due consideration while considering the claim of a tribal.”

14. The learned Counsel for the Petitioner also placed reliance on ***Ms. Swati Krushnarao Hedao*** (supra), wherein this Court in para 7 held as under :

“7. We find support in the argument of learned Counsel for the petitioner that since no further details except the names 'Shivram' and 'Vatsala' and their caste as 'Koshti' in the documents relied by the Caste Scrutiny Committee, are found and these persons are different, particularly, in view of the number of pre-constitutional documents of Shivram Mahadeo showing the caste 'Halbi' and coupled with the specific contention in the reply to the Vigilance Cell that Vatsala is not aunt of the petitioner. We find that having no further details, except the name of 'Shivram' and 'Vatsala', the Caste Scrutiny Committee unnecessarily connected these persons as relatives of the petitioner. Therefore, this finding of the Caste Scrutiny Committee does not sustain.”

In the present matter also the Scrutiny Committee unnecessarily connected these persons as relatives of the Petitioner only on the basis of similarity in name without any further details.

15. Thus, the order passed by the Caste Scrutiny Committee is liable to be set aside being perverse, illegal and erroneous. Accordingly, we pass the following order :

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 29/07/2024, passed by the Respondent No.1 – Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati in case No. सआ/अजप्रतस/अम/डीएसपी/396/2003/2013, is hereby quashed and set aside.
- (iii) It is declared that the Petitioner duly established that he belongs to “Halbi” Scheduled Tribe.
- (iv) The Respondent No.1 – Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati is hereby directed to issue validity certificates of “**Halbi**” Scheduled Tribe to the Petitioner within a period of three weeks.

The Writ Petition stands disposed of in the above terms. No order as to costs.

(RAJ D. WAKODE, J.)

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