



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

WRIT PETITION NO. 4659 OF 2021

PETITIONER:

Sunil s/o Ruprao Raikwar, aged about 54 years, Service as a Security Guard with Respondent No.3, originally resident of Sarmaspura, Achalpur, District Amravati presently residing at Flat No.302, Simran Plaza, Plot No.144, Sector 44, Nerul, Navi Mumbai.

-Versus-

RESPONDENTS:

1. State of Maharashtra through its Secretary, Tribal Welfare and Social Justice Department, Mantralaya, Mumbai-400032.
2. Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati Division, Amravati through its Chairman/Member-Secretary.
3. Manager (Personnel), City and Industrial Development Corporation of Maharashtra Limited, having its head office at CIDCO Bhavan, CBD Belapur, Navi Mumbai-400614.

Mr. N. C. Phadnis, Adv. for the petitioner.
Mrs. S.S.Jachak, Addl.GP for the respondents-State.
Ms. Disha Kamwani h/f Mr. M.Anilkumar, Adv.
for the respondent No.3.

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

DATE ON RESERVING THE JUDGMENT : 07.10.2025.
DATE ON PRONOUNCING THE JUDGMENT : 19.11.2025

JUDGMENT : (Per – Smt. M.S.Jawalkar, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.

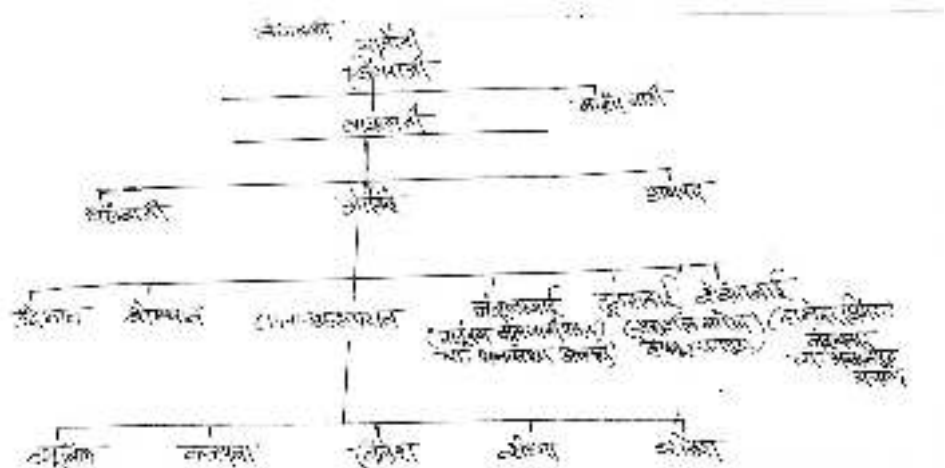
3. The petitioner by this petition impugns order dated 15/09/2021, passed by the respondent No.2-Scheduled Tribe Caste Certificate Scrutiny Committee, invalidating the caste claim of the petitioner belonging to Halba Scheduled Tribe, listed as Entry No.19 in the Constitution (Scheduled Tribes) Order, 1950.

4. The petitioner was initially appointed by an order dated 07/04/1997 as Security Guard at the establishment of the respondent No.3, was confirmed for the same post on 13/05/1998, and has served for 24 continuous years.

5. It is further submitted by the petitioner that the caste claim of the petitioner was forwarded by the respondent No.3 employer, wherein the petitioner submitted various pre-constitutional documents since 1895 establishing that he is belonging to Halba/Halbi Scheduled Tribe. The respondent No.2-Committee relied on

three unrelated Koshti entries from the Police Vigilance Cell report and, despite the petitioner's affidavit denying their relevance and clarifying his Halba status from the maternal side, invalidated his tribe claim on 15/09/2021 using an incorrect affinity test and also for the reason that those entries are not from the paternal side blood relations of the petitioner.

6. For the sake of brevity, the family tree of the petitioner is reproduced below.



7. The documents placed on record by the petitioner is enlisted below-

Sr. No.	Document Type	Name of the person	Relation with the petitioner	Caste	Date/Period
1.	School Transfer Certificate	Sheshrao Govinda Raikwar	Uncle	Halbi	19.09.1988 (For the period of 05.04.1937-17.04.1944)

2.	School Transfer Certificate	Govind Vailaji	Grandfather	Halbi	04.06.1895
3.	Sale Deed	Govinda and Ganpat Vailaji	Grandfathers	Halbi	04.01.1941
4.	School Transfer Certificate	Ruprao Govinda Raikwar	Father	Halbi	For the Period of 03.04.1944-18.03.1949
5.	School Transfer Certificate	Udebhan Govinda Raikwar	Uncle	Halbi	For the period of 15.06.1934-25.06.1939
6.	Birth Entry	Ruprao Govinda Raikwar	Father	Halbi	14.12.1937
7.	School transfer Certificate	Laxmi Ramaji Pakhale	Mother	Halbi	For the period of 01.04.1949-01.04.1954

8. It is pertinent to note that certificate of validity has been granted to two of the cousins of the petitioner namely Pramod Damodar Nandanwar and Sanjay Damodar Nandanwar dated 16/04/2013.

9. The learned counsel for the petitioner placed reliance on the following citations:

- i) **Priya Pravin Parate Vs Scheduled Tribe Caste Certificates Scrutiny Committee, Nagpur [2013 (1) Mh.L.J].**
- ii) **Writ Petition No 2363 of 2024 Sunil Gunwantrao Headao and others VS The Scheduled Tribe Caste Certificates Scrutiny Committee, Amravati and others.**

**iii) Writ Petition No 1297 of 2022 Ashok Gangadhar Bende VS
The State of Maharashtra and others.**

10. Per contra the respondent No.2-Scrutiny Committee contended that the impugned order passed by the Committee is just and reasonable, since the document of 1895 is not proved by the petitioner as the same is in *Modi*. Further, on perusal of the entries of Koshti in the documents procured by the Vigilance Cell during the enquiry, it proves that the petitioner belongs to Koshti. The learned AGP for the respondent-Scrutiny Committee seeks dismissal of the present petition.

11. The petitioner has produced as many as seven documents of pre-independence era. The oldest document is of 1895. It appears that this document was not considered by the Scrutiny Committee on the ground that it is in *Modi* and the headmistress of the school given remark that copy of the certificate cannot be issued as the said document is in *Modi*. The Caste Scrutiny Committee in fact ought to have translated the said entry from the authorized translator/expert, if at all document is in *Modi*. However, the Committee has not taken any efforts to do the said exercise, nor asked to the petitioner to produce translated entry of that document. In fact, on perusal of the said document of 1895 on page-18 of the record and proceedings, it appears that the document is in Marathi in respect of Govinda Vailaji

Halbi. It is surprising that the Committee in fact without looking into the document, passed the remark that the document is in *Modi*. In fact, the document produced on record is in Marathi. The Vigilance Cell has not collected any document in *Modi*. Even if it is presumed that what endorsement is given by the headmistress of the school that such copy cannot be issued as it is in *Modi*, it was the duty of the Vigilance Cell to ask for the copy of the entry of register, which was in *Modi*. It appears that even Scrutiny Committee has also not called for the translation or the copy of the entry in *Modi*. The said document appears to be attested on 03/05/1989. Apart from this, there were other documents of the years 1934, 1943, 1944 and two documents of 1937. The document pertaining to Dhonduji Vailaji Halbi was disbelieved by the Scrutiny Committee for no reason on the ground that the copy of the document of 1895 in respect of Govinda Vailaji Raikwar was not supplied by the school with remark that it is in *Modi*. However, as observed above, we do not see any document in the record, which is in *Modi* of 1895. In fact, it was the duty of the Committee to call for the record or a copy of register so as to verify whether that document is actually in *Modi*. Even if it is in *Modi*, it could have been translated through *Modi* Expert. This exercise was not undertaken by the Scrutiny Committee.

12. The documents, which were collected by the Vigilance Cell in fact not related to the petitioner. There are no persons by name Gulab, Yashvant and Uddhav in relation with the petitioner, whose entries showing as Koshti. These documents cannot conclusively establish that they are in relation with the petitioner. In fact, the entries in the documents produced by the petitioner is consistently showing as “Halbi” and the said documents are pre-independence era. Apart from that, there are two validities granted in the family of the petitioner, i.e. in favour of sons of paternal uncle namely Pramod Nandanwar and Sanjay Nandanwar. It needs to be noted here that in the document of father, the profession is written as ‘weaving’ and caste is shown as “Halbi”. As such, the ‘Koshti’ is not related with the petitioner’s family though they have adopted the profession of ‘weaving’.

13. The petitioner relied on the judgment in **Priya Parate** (*supra*), wherein the Hon’ble Apex Court held in para-10 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-grand father 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 petitioner also relied on the judgment in **Writ Petition No.2363 of 2024** (supra), wherein this Court held in para-7 as under:

“7.

Petitioners had specifically denied the relations with Ku. Anita Gautam Gadmade, Pawankumar Pandurang Wagh and made request to the respondent no.1-committee to consider the pre-independence documents which were submitted by them along with their application. The petitioners specifically stated in their explanation that though Vigilance Cell is supposed to verify the documents submitted by the petitioners, it is seen from the record, the officer has not collected oldest entry of the grandfather of the petitioners namely Nagoji Dattuji for the year 1931 from Nagar Parishad which clearly shows the caste "Halbi'."

In the said matter this Court relied on the judgment in the case of **Anand v. Committee for Scrutiny and Verification of Tribe Claims and others, 2011 (6) Mh.L.J. 919**, which lays down certain principles to be followed while deciding the caste claim. It is also observed that *“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”*.

Similar view is also taken by this Court in the above citation by relying on the judgment in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti v. State of Maharashtra and others, 2023 SCC OnLine SC 326**.

15. The learned counsel further relied on the judgment in **Writ Petition No.1297 of 2024** (supra), wherein in similar set of facts, this Court held in para-7 as under:

“7. At the outset, it appears that the Committee has rejected the petitioner's claim solely based on the two documents of 1920 and 1948 discovered by the Vigilance Cell during the enquiry. According to the Vigilance Cell, those documents are pertaining to the great-grandfather and grandfather of the petitioner, wherein their tribe has been recorded as 'Koshti'. It is pertinent to note that by filing an explanation to the show cause notice in paragraph 7, the petitioner has categorically denied the entries in those documents and his relationship with those persons. He further categorically stated that they are not in his blood relation. No father's name or surname of the alleged 'Bapu' has been mentioned in the document of 1920; however, the committee, without recording any reason for discarding the explanation submitted by the petitioner, erred in believing those documents as genuine. In fact, it was incumbent on the part of the Committee to consider the explanation and other documents on record and assign the reasons for discarding them. In failure to do so, the Committee failed to discharge its duty.”

16. Thus, the impugned order passed by the Committee is without consideration of old documents of pre-independence era showing caste 'Halbi' and without considering the explanation given by the petitioner. Even in our considered opinion, the Committee has not looked into the documents produced by the petitioner pertaining to 1895. The petitioner has specifically denied the relation of the persons to any caste shown as Koshti. It is an admitted position that 'Koshti' is included in 1994 in the category of Special Backward Class (SBC), in view of GR dated 07/12/1994. Thus, the old entries of pre-

independence era cannot be discarded or disbelieved even there is any entry of Koshti in subsequent years, in view of the mention of profession as 'Vinkari' (weaving). In the document of father of the petitioner, what is also held in **Priya Parate** (supra) is applicable in the present set of facts. Accordingly, we are of the considered opinion that the order passed by the Scrutiny Committee is patently perverse, erroneous and liable to be quashed and set aside. Accordingly, we pass the following order.

17. The petition is allowed.

Date in first line
of para 18 is
corrected as per
order dated
26.11.2025

18. The impugned order dated **15/09/2021**, passed by the respondent No.2-Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati in Case No.5-ST/2013/12242 is hereby quashed and set aside.

19. It is held and declared that the petitioner has duly established that he belongs to 'Halbi' Scheduled Tribe. The respondent No.2-Scrutiny Committee is hereby directed to issue caste validity certificate to the petitioner as he belongs to 'Halbi' Scheduled Tribe within a period of two weeks.

20. The interim order dated 17/11/2021 is confirmed and the respondent No.3-employer is hereby directed that the services of

the petitioner be continued and grant all service benefits in his favour.

21. Rule is made absolute in the above terms. No costs.

(RAJ D. WAKODE, J.)

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

KHUNTE