



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

WRIT PETITION NO. 5349 OF 2024

PETITIONER:

Krish s/o Anand Kumbhare, Aged about 18 years, Occ. Student, R/o Umarched, Taluka Umarched, District Yavatmal.

-Versus-

RESPONDENTS:

1. Union of India, Ministry of Human Resource Development, Department of Higher Education through its Secretary, Off. At 122-C, Shastri Bhawan, New Delhi- 110001.
2. The Scheduled Tribes Certificate Verificaion Committee, Yavatmal, District Yavatmal, through its Member Secretary.
3. Indian Institute of Science, Education and Research, Pune, having office Dr. Homi Bhabha Road, Pune-411008, through its Principal.

Mr.K. V. Deshmukh, Advocate for Petitioner.
Ms G. V. Bhai, Adv. h/f Ms Ashwini Athalye, Adv.
for the respondents-Union of India.
Ms Kavita Bhondge, AGP for the respondents-State.

**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. Though served, none appears for the respondent No.3.

3. By this petition, the petitioner is challenging the order dated 20/08/2024 passed by the respondent No.2-Caste Scrutiny Committee, thereby invalidating the caste claim of the petitioner of belonging to 'Halbi' Scheduled Tribe, even though his father is declared to be Scheduled Tribe by the judgment of this Court dated 07/11/2023 in *Writ Petition No.597 of 2021 (Anand Dattatraya Kumbhare v. The Scheduled Tribes Certificates Verification Committee, Amravati)*.

4. The Petitioner is a student and his proposal was forwarded to the respondent No.2-Committee through the office of the Principal, Vasantrao Naik Krushi Secondary and Higher School Bitragaon Taluka Umarkhed, vide letter dated 29/03/2023. In support of his caste claim, the petitioner submitted following documents of pre-constitutional period:

Sr. No.	Description of Document	Caste/ Tribe	Date
1	School Extract of Shankar Ganpat	Halbi	21/07/1942
2	Birth Record of son born to Ganpati Halbi namely Demaji	Halbi	23/05/1934
3	Birth Record of son born to Ganpati Halbi	Halbi	08/12/1925
4	Birth Record daughter born to Bhijaji Gangaram Halbi namely Renuka	Halbi	17/07/1945
5	Birth Record of son born to Punjaji vald Ganpat Halbi	Halbi	28/11/1942
6	Birth Record of son born to Punjaji vald Ganpat Halbi namely Pandurang	Halbi	02/10/1946

5. It is submitted by the petitioner that, the Scheduled Caste Verification Committee Amravati, invalidating the caste claim of the father of the petitioner vide its order dated 03/11/2020 by holding that he does not belong to Halba Scheduled Tribe. Against the said order, the father of the petitioner preferred Writ Petition No.597 of 2021 before this Court. This Court by judgment dated 07/11/2023 validated the caste claim of the father of the petitioner of belonging to "Halbi" Scheduled Tribe.

6. In the meanwhile, the Police Vigilance Cell conducted inquiry and submitted its report to the respondent No.2-Committee, whereby the petitioner was issued a show cause notice on 30/07/2024 by the respondent No.2-Committee. The petitioner

appeared before the Committee and submitted his detailed explanation on 05/08/2024. After considering the vigilance report as well as the documentary evidence submitted by petitioner, the respondent No.2-Committee, by its order dated 20/08/2024, invalidated the tribe claim of the petitioner, which is the subject matter of the present petition.

7. Our attention is drawn to the order passed by the same Scrutiny Committee on 12/10/2021 in respect of Akshay Ashok Sonkusare and others, wherein the Scrutiny Committee rejected caste claims of Sonkusare on the basis of the documents of Punjaji dated 13/07/1920 and 11/07/1924 mentioning the entry 'Koshti'. Thus, it is contended that the Scrutiny Committee bent upon anyhow to reject the claim of the petitioner by considering the same documents of the persons not related to the petitioner to invalidate the caste claim. On the basis of the same documents, the claim of the petitioner came to be rejected.

8. The learned counsel for petitioner relied upon the following citations:

- (i) Judgment of this Court in **Writ Petition No.7256/2024 (Sauravkumar s/o Sunilkumar Katole v. The Schedule Tribe**

Caste Certificate Scrutiny Committee) and one connected matter.

- (ii) Judgment of this Court in **Writ Petition No.6500/2022 (Pratibha d/o Prabhakar Sonkusare and others v. The Schedule Tribe Caste Certificate Scrutiny Committee).**
- (iii) Judgment of this Court in **Writ Petition No.8261/2023 (Ashok s/o Madhav Ingle and one another v. The Vice Chairman/ Member Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal).**

9. The respondent No.2-Committee has relied on the following documents procured by the Vigilance Cell during the course of inquiry, which are adverse to the claim of the petitioner and belonging to pre-constitutional period:

Sr. No.	Document Type	Name	Relationship with the petitioner	Caste	Date
1	Birth Extract	A male child born to Govinda Koshti	Great Grandfather of husband of the cousin aunt	Koshti	17.02.1919
2	Birth Extract	A male child namely Nagoba born to Govinda Koshti	Great Grandfather of husband of the cousin aunt	Koshti	02.08.1929
3	Birth Extract	A Male child namely Shama born to Laxman Haalbi	Great Grandfather	Haalbi	22.03.1935

4	Birth Extract	A female child namely Shevanti born to Laxman Narayan Haalbi	Great Grandfather	Haalbi	23.08.1937
5	Birth Extract	A male child namely Devrao born to Chandrabha n Govind Koshti	Grandfather of husband of the cousin aunt	Koshti	16.05.1947

10. The respondent No.2-Committee contended that the oldest documents submitted by the petitioner were single entry documents and no corroborative documents were either submitted by the petitioner or procured by the Vigilance Cell in its inquiry. Further, during the vigilance inquiry, adverse entries of 'Koshti' of the year 1919, 1929, 1947, 1952, 1953, 1957, 1963, 1964, 1970 so also adverse entries of 'Haalbi' of the year 1935 and 1937 were also procured by the Vigilance Cell. On the basis of these entries, the learned AGP seeks rejection of the present petition.

11. Heard the submissions of both the parties at length and examined the documents and authorities relied upon by their respective counsel. For the sake of convenience, the family tree is reproduced as under:

पुंजाजी कुलखी			पुंजाजी (पुंजाजी) कुलखी				पुंजाजी कायदा (पुंजाजी)	
०८.१२.१९२५			०८.१२.१९२५				०८.१२.१९२५	
१. पुंजाजी	२. पुंजाजी	३. पुंजाजी	४. पुंजाजी	५. पुंजाजी	६. पुंजाजी	७. पुंजाजी	८. पुंजाजी	९. पुंजाजी
१९२५	१९२५	१९२५	१९२५	१९२५	१९२५	१९२५	१९२५	१९२५
पुंजाजी	पुंजाजी	पुंजाजी	पुंजाजी	पुंजाजी	पुंजाजी	पुंजाजी	पुंजाजी	पुंजाजी
पुंजाजी	पुंजाजी	पुंजाजी	पुंजाजी	पुंजाजी	पुंजाजी	पुंजाजी	पुंजाजी	पुंजाजी

12. On perusal of the impugned judgment and order passed by the Scrutiny Committee, it appears that the Caste Scrutiny Committee mainly rejected the caste claim of the petitioner on the ground that his relatives i.e. real uncle of the petitioner, cousin sisters namely Sima Kumbhare, Nita Kumbhare, Samiksha Kumbhare, Tanushri Kumbhare obtained caste certificates of SBC and non-creamy layer certificate, therefore, non-mentioning these facts is the act of suppression as per the Committee. The petitioner placed on record as many as seven documents, which are prior to 1950. The oldest document is of 1925. In the documents, which are procured by the Vigilance Cell, the oldest entry is of 1920. The entries of 1920, 1924 and 1934 all are pertaining to one Punjaji. These documents were considered by the Committee for invalidating the caste claim of one Akshay Sonkusare and his family member. It was pointed out that this Punjaji is not in relation with the family of the petitioner. In fact, Punjaji is in the family tree of the petitioner born on 08/12/1925,

therefore, the entry of 1920 a male child born to Punjaji is impossible and said Punjaji is not at all in relation to the petitioner. Similar entries of 11/07/1924, 20/09/1934 in respect of Punjaji are not in relation with the petitioner.

13. We have perused the order passed by the Caste Scrutiny Committee in the case of Akshay Sonkusare, wherein the same documents were used to reject the claim of Akshay Sonkusare. For this reason only the Members of the Scrutiny Committee were directed to remain present and explain why these documents were used earlier in respect of some other person are again used in rejecting the claim of the petitioner claiming that he is in relation with the petitioner by order dated 23/09/2025. As unconditional apology submitted by the Members of the Committee to this Court, the same was accepted, however, in the order dated 07/10/2025, this Court recorded its dissatisfaction with the approach of the Committee Members to justify their mistake. Thus, we are of the considered view that the Committee failed to verify the documents on which the Committee is relying, are pertaining to the persons related to the petitioner or not.

14. The family tree produced by the petitioner along with reply/explanation. From this family tree, it would appear that

Punjaji born to Ganpati Halbi on 08/12/2025 and Dattatraya Halbi born to Ganpati on 03/01/1928 and the third son Demaji Halbi born to Ganpati on 23/05/1934. There is no reason to disbelieve those documents and to rely on the documents of persons, which are not in relation with the petitioner. The entry of 'Koshti' in the document of Punjaji is not of a person in relation to the family of the petitioner. It can also be seen that the documents used for invalidating the caste of Akshay Sonkusare and others of 1920, 1924 and 1934 are of one Punjaji, who is not at all in relation with the petitioner. Even from the date of birth of Punjaji it is clear that the Committee relied on the document just to invalidate the claim. Thus, if these documents of Punjaji procured by the Vigilance Cell are discarded, the documents of 1925 produced by the petitioner is the oldest document, wherein caste is shown as "Halbi". Similarly, in the documents of 1928 and 1934 and the old documents showing caste "Halbi". The seven documents, the list of which is given in para-2, are the documents prior to 1950 and they have great probative value. This aspect is duly disclosed in the judgment in **Writ Petition No.597 of 2021, Anand Dattatraya Kumbhare** (supra) and held that the documents with entry Koshti are subsequent to the old documents of 1925, 1928, 1934, 1942 and 1945 by relying on the judgment of **Priya Pramod Gajbe v. The State of Maharashtra, 2023 SCC OnLine SC 909,**

it is held that pre-constitutional documents have to be given due weightage. The subsequent documents showing entry Koshti is insignificant. Thus, in our considered opinion, the Caste Scrutiny Committee deliberately used the documents of the persons, who are not in relation to the petitioner, only to reject claim of the petitioner.

15. It is beneficial to mention that this Court in **Amruta Arvind Dadmal v. Scheduled Tribe Caste Certificate Scrutiny Committee, 2018 DGLS (Bom.) 751** observed as under: (Page 33)

- “(i) The Caste Scrutiny Committee is a quasi judicial body and the members of it are to be held in high esteem. They are supposed to be fair, impartial, unbiased and sensitive to the claims of scrutiny and verification of the caste or tribe, as the entire career of the persons in the employment or the students in the education from the backward class category for concessions and benefits depends. The duty of the committee is to see that the genuine and bona fide claimants are not deprived of their claims and the bogus claimants are eliminated. [Para 8]
- (ii) The procedure for grant of validity certificate is governed by the provisions of Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 and the Rules framed thereunder. The Committee is expected to uniformly follow the procedure and record the findings on appreciation of evidence. All the documents produced by the claimants and secured

through the Police Vigilance Cell are required to be considered as a matter of rule to record the findings one way or the other. The claims are required to be decided as far as possible within a period stipulated period, giving preference to the claims of the students securing admissions in Educational Institutions against the seats meant for the candidates belonging to the reserved category. **[Para 9]**

- (ii) Normally, a quasi judicial authority is not supposed to be a contesting party to any litigation and if the orders are wrong or mistakes are committed, the same shall be corrected, without any occasion to pass any strictures. However, over the years, we have come across hundreds of cases challenging the orders of the Scrutiny Committee, and we are pained to note the reprehensible conduct of the members of the committee and the entire establishment. The orders are passed in a mechanical manner showing scant respect to the ratio of the decisions of the Apex Court or the High Court. The attitude of the committee is very hostile and biased towards the claimants. There is no sensitivity to the problems. In many reported and unreported judgments of this Court, strictures were passed against the members of the Committee and at times, notices of contempt were issued, and accepting apology, the proceedings were dropped. Many times, the members of the Committee are directed to pay the costs, even from their personal pocket, but we fail to notice any change in the approach of the Scrutiny Committee. **[Para 10]**

- (iv) We may point out few instances of reprehensible conduct of the members of the Committee and the establishment as under:

- (1)

- * (8) Several tactics are adopted to prolong the adjudication and compel the claimants to institute several proceedings, including those for contempt, and incur unnecessary expenditure.
- * (9) The ratio of the decisions of this Court and of the Apex Court is invariably followed in breach.
- * (10) If the claim of the father is validated, the claim of the son is invalidated, without any finding as to any fraud played by the father in obtaining the validity certificate.
- (11) Every effort is made by the Committee to see that the claimants get monetarily and mentally exhausted in litigation.
- (12) There can be innumerable examples where different Benches of this Court have called the members of the committee to appear in person to furnish an explanation or imposing the costs.
[Para 16]”

In view of the above observations, the Committee expected to collect the necessary information through its Vigilance Cell, as held in **Tatya Vishnu Ranshur v. State of Maharashtra, 2019 DGLS (Bom. 1801**, as under:

- “(ii) It is expected to conduct a unbiased and unprejudiced inquiry on the touchstone of application of judicious mind and by keeping in mind the Claimant who is entitled to the benefits flowing from being belonging to a particular tribe, which is recognised as a Scheduled Tribe and not to examine his claim only with a preconceived notion that there are spurious Claimant, in an attempt to secure the benefit flowing

from Constitutional mandate make false claims before the Committee.”

16. There are various judgments from which many guidelines were issued time to time by this Court as well as the Hon’ble Apex Court. We wish to summarize those guidelines to be kept in mind by all Scrutiny Committee members while deciding the caste claims of the applicants, as under:

(Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti v State of Maharashtra [2023(2) Mh.L.J 785])

- *Affinity test is not a litmus test to decide a caste claim.*
- *Only when Scrutiny Committee after holding an inquiry is not satisfied with material produced by applicant, case can be referred to Vigilance Cell.*
- *If an applicant is able to produce authentic and genuine documents of pre-Constitution period showing that he belongs to a tribal community, in such case a reference to Vigilance Cell is not warranted at all.*
- *Applicant must establish his precise and exact relationship with person to whom validity certificate has been granted.*

(State of Maharashtra v Mana Adim Jamat Mandal [(2006) 4 SCC 98])

- *Each of the tribe specified in Entry 18 must be deemed to be a separate tribe and not a sub-tribe of ‘Gond’.*
- *Mana is a separate schedule tribe.*

(Sayanna v State of Maharashtra [(2009) 10 SCC 268])

- Subsequent entries in documents does not by itself indicate interpolation of school records.

(Apoorva Nichale Vs D. C. C. S. COMMITTEE [2010(6) Mh.L.J.])

- *If a blood relative holds a valid caste certificate, the same status must be granted to the applicant. Exception: Only if the earlier validity was obtained by fraud.*
- *A different view on identical facts is impermissible.*
- *Ensures consistency and fairness in caste verification within the same family.*

[Sau. Priya Pravin Parate Vs. Scheduled Tribe Caste Scrutiny Committee, 2012 (Writ Petition nos. 2571/2001,2260/2007 &4225/2001 decided on 4th October, 2012)]

- *Pre-Constitution documents showing caste as Halbi have high probative value.*
- *Some of the entries of “Koshti” were due to weaving occupation, not different caste identities. Fewer late entries of ‘Koshti’ cannot be override the old consistent entries of “Halbi”.*
- *RV Russell in his book **The Tribes and Castes of Central Province of India** , 1916 noted that the Halba Tribe were once a part of The Maratha and Gond Armies, eventually turned to weaving for their livelihood.*

- *Over the period of time, many weaving Halbas in the areas like Bhandara and Berar came to be locally perceived as a part of Koshti community due to their similar traditional occupations, despite their unchanged Halba lineage.*
- *In **Sau. Priya Pravin Parate Vs. Scheduled Tribe Caste Scrutiny Committee, 2012** the Nagpur Bench of Bombay High Court referred to R V Russell's writings and reiterated that many Halbis from regions such as Ellichpur and Anjangaon Surji traditionally worked as weavers.*
- *The Court observed and reasoned that references to 'Koshti' in old records likely described a person's profession rather than the shift in caste, reinforcing that the Halba identity continued despite such documentary variations.*

(Kumari Madhuri Patil and another v Additional Commissioner, Tribal Development and others [(1994) 6 SCC 241])

- *Judicial Magistrate has no authority to issue caste certificates — such certificates are void.*
- *Pre-Independence records have high probative value in determining caste status.*
- *Caste association certificates carry no evidentiary value.*
- *Field inquiry and show-cause notice with fair hearing are mandatory.*
- *Verification must be completed expeditiously, preferably within two months.*

- *The Scrutiny Committee's decision is final, subject only to judicial review under Article 226.*

(Anand versus Committee for Scrutiny and verification of tribe claims and others [(2012) 1 SCC 113])

- *Affinity test is relevant and germane in accordance with scheme of act and rules for the determination of social status of claimant.*
- *Genuineness of caste claim to be looked in broader perspective rather than mere certification of document.*
- *Pre-independence documents carry greater probative value and must be accorded due weight in the determination of caste validity.*
- *Pre-Independence records = strongest proof of caste.*
- *Affinity test must be applied cautiously due to migration & modernization altering traits.*
- *Present-day mismatch in customs cannot defeat a genuine caste claim.*
- *Affinity test is for corroboration, not for independent rejection of claims.*

(Saurav kumar Katole Vs The Scheduled Tribe Caste Scrutiny Committee and others [WP 7256 of 2024 with WP 7257 of 2024 decided on 07.08.2025])

- *'Mangesh Panditrao Thakur v. The State of Maharashtra and others (Writ Petition No.14111/2021)': Validity binds only*

claimant, not relatives, for the simple reason that they are not party to such adjudication.

- *Even if some relatives held SBC certificates. The applicant can establish his claim of other caste.*

(Javedkha Musakhan Pathan v. Scrutiny Committee, Writ Petition No.7419/2024)

- *Old/worn-out documents cannot be discarded merely due to deterioration; the Committee must verify them.*
- *Certified copies of public records must be considered, even if the original register is damaged.*
- *If any document appears doubtful, it must be referred to a handwriting/forensic expert rather than to reject outrightly.*
- *Public documents carry a statutory presumption of correctness, which can be rebutted only by strong contrary evidence. (See Sec.79 of the Indian Evidence Act)*
- *Mechanical or unreasoned rejection of such documents is arbitrary and unsustainable.*

(Amey Mahendrasing Thakur Vs State of Maharashtra, Writ Petition No.9322/2018).

- *If applicant is first-generation educated, lack of documents shouldn't defeat the claim.*
- *If documents appear doubtful → test by oral evidence, not direct rejection.*

17. We expect that the Caste Scrutiny Committees while deciding the caste claims would follow the principles laid down by this Court as well as by the Hon'ble Apex Court in its true spirit. We direct Registry to send the copy of this judgment to all Scrutiny Committees within the jurisdiction of this Court.

18. Thus, we are of the considered opinion that the Caste Scrutiny Committee made deliberate attempt to invalidate the caste claim of the petitioner, specifically when there is a judgment of this Court in the matter of Writ Petition No.597 of 2021 filed by the father of the petitioner vide judgment dated 07/11/2023, this Court validated the caste claim of the father of the petitioner of Halba Scheduled Tribe. The order passed by the Caste Scrutiny Committee is perverse, erroneous and arbitrary. As such, it is liable to be quashed and set aside. Accordingly, we proceed to pass the following order.

19. The writ petition is allowed.

Date in first
line of para
20 is
corrected as
per order
Dated
26.11.2025.

20. The impugned order dated **20/08/2024**, passed by the respondent No.2-Scrutiny Committee in Case No.11/510/Edu/102023/47033 is hereby quashed and set aside.

21. It is held and declared that the petitioner has 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.

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

(RAJ D. WAKODE, J.)

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

KHUNTE