



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

WRIT PETITION NO. 5435 OF 2024

Shri Rajeshwar Rajendra Sonkamble,
Aged about 19 years, Occ.- Student,
R/o. Shivaji Square, Near Railway
Station Square, Amravati,
Tq. and Dist. Amravati.

.... **PETITIONER**

// VERSUS //

- 1) **The State of Maharashtra,**
Through its Principal Secretary,
Tribal Development Department,
Mantralaya Mumbai-32.
- 2) **The Schedule Tribe Certificate
Scrutiny Committee, Amravati,**
Through its Deputy Director,
Amravati

.... **RESPONDENTS**

Mr. A. I. Sheikh, Advocate for Petitioner.
Ms. S. S. Jachak, Additional Government Pleader for
Respondent Nos.1 and 2.

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

DATE ON RESERVING THE JUDGMENT : 09.09.2025.
DATE ON PRONOUNCING THE JUDGMENT : 20.09.2025.

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 impugned order dated 22/07/2024; passed by the Respondent No.2 – Scheduled Tribe Certificate Scrutiny Committee, Amravati, whereby invalidated the caste claim of the Petitioner, as “Mannewar” Scheduled Tribe.

3. The Petitioner submitted that he is a student appeared in NEET examination. The Petitioner belongs to tribe “Mannewar” which comes under the category of Scheduled Tribe in the State of Maharashtra and this entry is at Serial No.18 of the Constitution (Schedule Tribe) Order, 1950. The contention of the Petitioner is that he has submitted his tribe claim through College on 14/03/2023 to Respondent No.2 – Scrutiny Committee for verification of his caste claim and for issuing validity certificate. It is submitted that the Vigilance Cell had

conducted an inquiry and submitted its report dated 15/01/2024 to the Scrutiny Committee. The Scrutiny Committee issued a show cause notice to the Petitioner on 17/01/2024 thereby sought explanation on the Vigilance Report. As all the documents mentioned in the said show cause notice were already considered while granting the Validity Certificate dated 16/02/2022 to the cousin sister of the Petitioner namely Komal Fakirchand Sonkamble therefore, the Petitioner has requested the Committee to consider the same reply which was submitted in the case of Komal Fakirchand Sonkamble on 15/11/2016, as reply of the Petitioner.

4. The Petitioner, in support of his claim, submitted the following documents of pre-constitutional period having entries of “Mannewar” :

Sr. No.	Name	Document Type	Relation	Entry	Date
1	Malanna Ramayya	Leaving Certificate	Brother of Grandfather	Mannewar	02.07.1926
2	Malanna Ramayya	School Extract	Brother of Grandfather	Mannewar	02.07.1926
3	Kumaraswami alias Papanna	Leaving Certificate	Grandfather	Mannewar	09.07.1930

4	Girl born to Ramanna Ramji	Birth Entry	Daughter of Great Grandfather	Mannewar	22.10.1930
5	Girl born to Ramanna Ramji	Birth Entry	Daughter of Great Grandfather	Mannewar	22.10.1930
6	Kamla Ramaiyya	School Extract	Sister of Grandfather	Telgu Mannewar	16.06.1939
7	Balaram Ramaiyya	School Extract	Brother of Grandfather	Telgu Mannewar	19.06.1944
8	Krushnaswami Ramaiyya	School Extract	Brother of Grandfather	Telgu Mannewar	08.08.1946

Along with these documents, the Petitioner also submitted four validity certificates issued to his close blood relatives.

5. The Petitioner contended that the Respondent Committee without considering the important documents and validity certificates issued to his close blood relatives, rejected the claim of the Petitioner on wrong interpretation and baseless reasons and therefore, the impugned order needs to be set aside.

6. The learned Counsel for the Petitioner relied on the following citations :

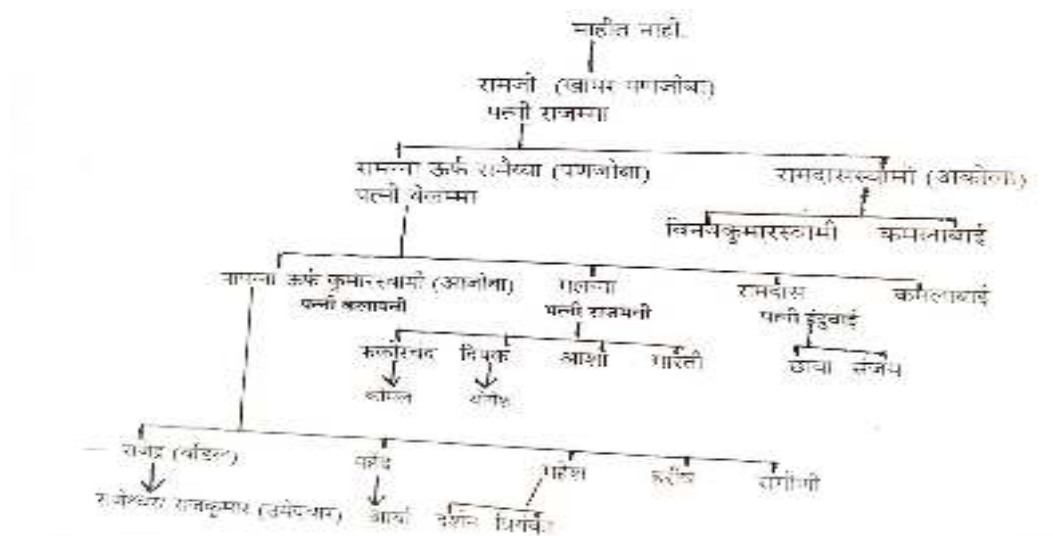
- (i) ***State of Maharashtra Vs. Mana Adim Jamat Mandal***, reported in ***2006 (3) Mh.L.J. 407*** and
- (ii) ***Writ Petition No. 5728/2019***, (*Ku. Arya D/o Mahendra Swami Vs. The State of Maharashtra & Ors.*), dated ***23/09/2019***.

7. As against this, Respondent No.2 contended that there is overwriting and striking of earlier entries and usage of different inks and handwriting in relation to the caste entries in the documents submitted by the Petitioner. These factors create a serious doubt about the said entries, thereby negating the evidentiary value of these documents and entries. The Respondent No.2 specifically contended that the School extract dated 09/07/1930 in respect of grandfather of Petitioner was found to be torned in corner upon inspection by the Vigilance Cell therefore, its authenticity cannot be proved, whereas the School extract dated 01/07/1975 in respect of the father of the Petitioner was found to be over-stricken from Telgu to Mannewar. The tribe claim of the cousin uncle of Petitioner namely Sanjaykumar Ramdas Sonkamble has been invalidated by the Committee on 29/09/2009.

8. The Respondent No.2 further contended that after perusal of the documents from the year 1939 to 1984, it is clear that the Petitioner belongs to “Telangi” Caste which comes under Nomadic Tribes C (N.T.-C.) and does not belong to ‘Mannewar’ Scheduled Tribe as claimed by the Petitioner. The Respondent No.2 further submitted that during the inquiry, the Petitioner could not prove his Socio-cultural affinity with the Mannewar Schedule Tribe and therefore, the order of invaliding the claim of the Petitioner was rightly passed by the Respondent Committee. The Respondent Committee relied on the Judgment of this Court in ***Writ Petition No.5181/2004***, (*Sanjaykumar S/o Ramdas Sonkamble Vs. The State of Maharashtra & Ors.*), dated **20th October, 2015**.

9. Heard both sides at length. Perused the documents placed on record and considered the citations relied on by both the parties.

10. For the sake of convenience family tree is reproduced below :-



11. There are four validity certificates granted to the blood relatives of the Petitioner. Ku. Arya Mahendra Swami, who is cousin sister of the Petitioner granted validity as she belonging to “Mannewar” Scheduled Tribe. Second validity is granted to Yogesh Deepak Sonkamble, who is uncle of the Petitioner. The validity in favour of Mahendra Papanna Swami and Komal Fakirchand Sonkamble were also granted on 16/02/2022. All these validities are granted in view of the order passed by this Court in Writ Petition No.5728/2019. The Caste Scrutiny Committee, without appreciating the fact that there is an order of this Court while granting validity to the blood relatives of the Petitioner rejected the claim of the Petitioner. Though it is mentioned by the Respondent Committee that there are five

validities in favour of relatives of the Petitioner and it is also recorded that as per the order of this Court the same is granted, however, in remark, it is mentioned that when Police Vigilance Cell visited the concerned school, it was found that the word “Telgu” was scored out and “Mannewar” is written in its place. There is a signature of Headmaster on that scoring and there is a remark of Education Officer. Only because, though there is a remark that order of Education Officer is mentioned, however, the Headmaster was unable to place the copy of order, the entry is discarded.

12. So far as Telgu along with Mannewar is concerned, this issue has already been considered in the matter of *Ku. Arya Mahendra Swami* (**Writ Petition No.5728/2019**). In para 5 of the said Judgment is as under :

“5. We find that the petitioner has produced several pre-constitutional documents showing entry of ‘Mannewar’ caste. Particularly, petitioner has produced School Leaving Certificate of her cousin grandfather namely Mallanna Ramaiya dated 02.07.1926, School Leaving Certificate of her grandfather - Kumarswami @ Papanna dated 26.09.1935, birth date extract of her great-grandfather-Ramanna dated 22.10.1930. All

*these document bear the entry of 'Mannewar' caste. Though some of the old documents collected by the Vigilance Cell shows the entry of caste as 'Telangi', 'Telgu Mannewar'. These entry merely indicate the language and not caste. The said issue is well covered by the decision of this Court in **Writ Petition No.4316/2017 (Shri Suresh Kumar Balkrishna Naidu Vs. The State of Maharashtra and another)** decided on 04.04.2019. The documents therefore, have to be considered as it indicates that tribe name of 'Mannewar' which is entered right from the year 1916. Apart from this, there are other entries subsequent to the year 1950 indicating the caste of the blood relative as 'Mannewar'."*

13. It appears that the Scrutiny Committee acting above the orders of the Court. It is not a case that Caste Scrutiny Committee is not aware about the issuance of Caste Validity Certificate to Ku. Arya Mahendra Swami as "Mannewar" as per the order of this Court. In spite of this, the Scrutiny Committee erroneously acted contrary to the order passed by this Court, it may amount to contempt of this Court.

14. So far as invalidation of caste claim of Sanjaykumar Ramdas Sonkamble is concerned, it was challenged before the High Court. The documents collected by the Vigilance Cell in

Serial Nos.2, 3, 4, 5, 6 and 8, all these entries are not in relation to the Petitioner and not their names are appearing in the family tree. Moreover, all these entries at Serial No.5 to 10 are of the period subsequent to 1950. Though entries of serial No.2, 3 and 4 are prior to 1950, they are not in relation with the Petitioner. The Scrutiny Committee failed to establish that how these entries are of the relatives of the Petitioner. While relying on these documents, the Scrutiny Committee acted contrary to the Judgment passed by this Court in the case of *Ku. Arya Mahendra Swami*. The Caste Scrutiny Committee has taken into account irrelevant material for discarding the claim and failed to consider the old entry as Mannewar of 09/07/1930 in respect of Kumaraswami alias Papanna. This document is discarded only on the ground that Admit Cancel Register and affidavit are in dialapidated condition. There is entry of 02/07/1926 in respect of Malanna Ramayya, wherein he shown as Mannewar which was duly verified by the Vigilance Cell and another entry of 22/10/1930 in respect of great-grandfather, this entry is also verified by the Vigilance Cell.

15. As held in **Writ Petition No.5728/2019** (*Ku. Arya Mahendra Swami Vs. The State of Maharashtra & Anr.*), “Telgu” is the language and not any caste. All these documents are duly verified by the Vigilance Cell in fact, there is no necessity at all to conduct the vigilance inquiry as after conducting vigilance, the certificates were issued in favour of five relatives of the Petitioner. In spite of this fact, the Caste Scrutiny Committee again directed the vigilance cell inquiry, which is contrary to the provisions of law. The old documents dated 02/07/1926, 09/07/1930 and 22/10/1930 have not given due weightage and ignored its probative value by the Caste Scrutiny Committee. When the issue of Telgu entry is already covered by the Judgment of this Court in the case of *Ku. Arya Mahendra Swami*, there was no reason for the Caste Scrutiny Committee to again open up that issue and on the basis of which, invalidated the caste claim of the Petitioner.

16. As such, the impugned order is erroneous, perverse and not sustainable in the eyes of law. Accordingly, we proceed to pass following order :

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 22/07/2024, passed by the Respondent No.2 – Scheduled Tribe Certificate Scrutiny Committee, Amravati in case No. सआ/अजप्रतस/अम/5/503/Edu/032023/209011, is hereby quashed and set aside.
- (iii) It is declared that the Petitioner duly established that he belongs to “Mannewar” Scheduled Tribe.
- (iv) The Respondent Scheduled Tribe Certificate Scrutiny Committee, Amravati is hereby directed to issue a validity certificate of “Mannewar” to the Petitioner within a period of four 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.)

Kirtak