



211-J-WP-5566-21

1/8

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

WRIT PETITION NO.5566 OF 2021

Shri Uttam s/o Mahadeo Dhanorkar
aged about 50 years, occupation: service,
r/o Madhav Nagar, Risod Road, Lakhala,
Tq. And Dist. Washim

... Petitioner

-vs-

1. The Scheduled Caste Certificate
Verification Committee, Division
Amravati through its Commissioner
cum Vice Chairman
2. Savitribai Phule Jr. College,
Vocational Education, Washim
through its Principal, Washim-444505

... Respondents

Shri O. A. Ghare, Advocate for petitioner.
Shri S. M. Ghodeswar, Assistant Government Pleader for respondent No.1.

CORAM : NITIN W. SAMBRE AND SACHIN S. DESHMUKH, JJ.
DATE : July 01, 2025

(Oral Judgment : Per Nitin W. Sambre, J.)

1. Heard.
2. **Rule.** Heard finally with consent of learned counsel for the parties.
3. The legality and validity of the order dated 28/08/2021 passed by the respondent-Scrutiny Committee invalidating the tribe-claim of the petitioner is sought to be challenged.

4. The petitioner claims to be belonging to 'Halbi' Scheduled Tribe.

It appears that the petitioner submitted his claim for issuance of validity to the respondent-Scrutiny Committee on 26/09/2013, he being employed with the respondent No.2-College. In support of his claim, the petitioner has produced in all six documents demonstrating that he belongs to 'Halbi' Scheduled Tribe.

5. The Committee after causing vigilance enquiry in the matter and after hearing the petitioner on 06/07/2021, vide impugned order invalidated the claim.

6. Shri Ghare, learned counsel for the petitioner would invite attention of this Court to the Division Bench order dated 17/07/2019 delivered in Writ Petition No.4869/2019 (*Ku. Yashasvi Uttam Dhanorkar vs. The Scheduled Caste Certificate Verification Committee, Amravati*). According to Shri Ghare, Yashasvi, the daughter of the petitioner had also applied for grant of validity and the order of rejection of her claim was the subject matter of challenge in the aforesaid petition. According to him, vide declaration order dated 17/07/2019 in aforesaid writ petition, the petitioner's daughter is declared to be belonging to 'Halbi' Scheduled Tribe and accordingly, her tribe-claim was held to be valid with further direction to the

Scrutiny Committee to issue validity in her favour.

7. Shri Ghare invited our attention to the communication dated 06/07/2021 addressed by the petitioner to the Committee thereby producing on record not only the order granting caste validity certificate to the daughter of the petitioner delivered in Writ Petition No.4869/2019 but also copy of the validity certificate issued by the Scrutiny Committee in compliance with the said order before the Committee. Shri Ghare would take support from the Division Bench judgment of this Court in the matter of *Apoorva d/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and ors.* **2010(6) Mh.L.J. 401** and would urge that once the blood relation is granted validity pursuant to the order of this Court, the Committee is bound to grant validity to other blood relative.

8. Apart from above, the contentions are that the order delivered by the Division Bench of this Court on 17/07/2019 in the matter of daughter of the petitioner viz. Yashasvi was never questioned by the respondent-Committee and as such the said order having attained finality, binds the respondent-Committee. As such, he would claim that the respondent-Committee in such an eventuality ought not to have passed the order impugned in ignorance of the documents and

the Division Bench order delivered in Writ Petition No.4869/2019 directing issuance of validity in favour of the daughter of the petitioner Ku. Yashasvi.

9. As against above, Shri Ghodeswar, learned Assistant Government Pleader would invite the attention of this Court to the impugned order and sought to claim that the record depicts that ancestors of the petitioner were in occupation of 'weaving' which is a taboo for Halba/Halbi Scheduled Tribe. Shri Ghodeswar would claim that the caste entry of 1977 in respect of the petitioner which he himself has submitted speaks of 'Halba Koshti' and as such, the same comes under Special Backward Class and not the Scheduled Tribe. He would further urge that in the caste column of great grandfather, uncle and that of the petitioner, entry of 'Koshti' and/or that of 'weaver' is noticed and as such the Committee is justified in rejecting the claim.

10. We have considered the submissions.

The Committee is required to be sensitive to the provisions of 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 (for short, the Act of 2000).

The said provision cast burden on the candidates like the petitioner who are claiming issuance of validity, to be discharged in the context of their claim for issuance of validity.

11. Apart from above, the Division Bench order of this Court is very much binding on the Scrutiny Committee.

12. In such an eventuality, if we consider the order passed in the matter of Yashasvi, delivered in Writ Petition No.4869/2019 on 17/07/2019, the daughter of the petitioner is already declared to be belonging to 'Halbi' Scheduled Tribe and the respondent-Committee has issued validity certificate to her.

13. Such validity certificate of the daughter of the petitioner along with copy of the order dated 17/07/2019 in Writ Petition No.4869/2019 (*Ku. Yashasvi Uttam Dhanorkar vs. The Scheduled Caste Certificate Verification Committee, Amravati*) was produced before the respondent-Committee and the same was duly acknowledged by the Committee on 06/07/2021. On the very same day i.e. 06/07/2021 the Committee has offered hearing to the

petitioner on the report of the Vigilance Cell and as such we have reason to believe that not only the copy of caste validity certificate of the daughter of the petitioner viz. Yashasvi but also the order of Division Bench in Writ Petition No.4869/2019 dated 17/07/2019 was available to the Committee. The respondent-Committee has conveniently avoided to deal with the said documents as in case if Committee would have gone through the order of this Court and the fact about issuance of validity in favour of daughter of the petitioner, it would have reached to the conclusion of successful discharge of burden by the petitioner as contemplated under Section 8 of the Act of 2000.

14. The fact remains that the Division Bench order in the matter of *Apoorva Nichale* (supra) provides a binding effect of the caste validity certificate to be issued in favour of blood relations in the matter of deciding the caste/tribe validity claim of other blood relations from the same family.

15. As such, the order of this Court in the matter of Yashasvi, daughter of the petitioner is very much binding on the Committee and in such an eventuality, the order impugned passed by the respondent-Committee on 28/08/2021 rejecting the tribe-claim of the petitioner of belonging to 'Halbi' Scheduled Tribe cannot be said to be sustainable.

16. Though Shri Ghodeswar, learned Assistant Government Pleader tried to substantiate and support the impugned order by drawing our attention to the caste/tribe entries in the documents of the blood relations, we have to presume that such documents were very much available before the Court when a declaration was granted in favour of daughter of the petitioner Yashasvi.

17. Apart from the above, had it been a case that the Committee was not in agreement with the view duly expressed by the Division Bench in the matter of Yashasvi, it was open for it to question the said order before the Apex Court which it has not done.

18. In such an eventuality, it has to be inferred that once the order in favour of Yashasvi, daughter of the petitioner in Writ Petition No.4869/2019 decided on 17/07/2019 has attained finality, the same is binding on the respondent-Committee.

19. That being so, we deem it appropriate to allow the present petition.

We hereby quash and set aside the order dated 28/08/2021 passed by the respondent-Scrutiny Committee.

We hereby declare that the petitioner Uttam s/o Mahadeo

Dhanorkar belongs to 'Halbi' Scheduled Tribe.

20. Accordingly, validity certificate be issued in favour of the petitioner within a period of four weeks from the date of production of this order.

21. Rule is made absolute in aforesaid terms with no order as to costs.

(Sachin S. Deshmukh, J.)

(Nitin W. Sambre, J.)