



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

WRIT PETITION NO. 6407 OF 2023

Shashant S/o Giridhar Nandanwar,
Aged about 50 years, Occu.- Service,
R/o. 'Saya' Plot No.6, Yeole Layout,
Near S.T. Bus Stand, Umred,
Tah. Umred, Dist. Nagpur-441203.

.... **PETITIONER**

// VERSUS //

- 1) **State of Maharashtra,**
Tribal Development Department,
through its Principal Secretary,
Mantralaya, Madam Cama Road,
Mumbai-40003.
- 2) **Scheduled Tribes Caste Certificate
Scrutiny Committee, Gondia,**
through its Secretary,
Adiwasi Vikas Bhawan,
2nd Floor, Collectorate, Gondia.
- 3) **Scheduled Tribe Caste Certificate
Scrutiny Committee, Nagpur,**
through its Member Secretary,
Office at 2nd Floor, Adiwasi
Vikas Bhawan, Amravati Road,
Giripeth, Nagpur PIN 440010.
- 4) **The Secretary,**
Jeevan Shikshan Mandal, Umred,
Tq. Umred, Dist. Nagpur-441203.

- 5) **Headmistress,**
Jeevan Vikas Vanita Vidyalaya, Umred,
Tq. Umred, Dist, Nagpur-441203.
- 6) **The Education Officer (Secondary),**
Zilla Parishad Nagpur,
Civil Lines Nagpur.

.... **RESPONDENTS**

Mr. A. S. Mardikar, Senior Counsel a/b. Mr. S. D. Borkute,
Counsel for Petitioner.
Mr. A. V. Palshikar, Assistant Government Pleader for
Respondent Nos.1 to 3 and 6.

**CORAM : MRS. M. S. JAWALKAR AND
M. W. CHANDWANI, JJ.**

DATE ON RESERVING THE JUDGMENT : 11.11.2025
DATE ON PRONOUNCING THE JUDGMENT : 15.12.2025

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 being aggrieved by the order dated
19/07/2023 passed by the Respondent No.2 Scheduled Tribe
Caste Certificate Scrutiny Committee, Gondia (for short the
“Scrutiny Committee”), thereby invalidating the caste claim of

the Petitioner to the “Halba” Scheduled Tribe enlisted at Sr. No. 19 in the list of Scheduled Tribes in Constitutional (S.T.) Order 1950 and caste certificate issued by the Executive Magistrate, Arjuni has been cancelled and confiscated.

3. The learned Senior Counsel Mr. A. S. Mardikar for the Petitioner submitted that the Petitioner was appointed on 03.10.1997 as an ‘Assistant Teacher’ in Respondent No.5–School against a vacancy reserved for the Scheduled Tribe (ST) category, on the basis of a Caste Certificate issued by the Competent Authority showing he belongs to ‘Halba’ Scheduled Tribe. Thereafter, on 03.06.2003, the Petitioner was promoted to the post of ‘Supervisor’ against an open category subject to the condition that he would submit a caste validity certificate within three months. Accordingly, on 15.04.2013, the Petitioner’s tribe claim was forwarded by his employer to the erstwhile Respondent No.3 – Caste Scrutiny Committee, Nagpur, for verification as there was no separate Scrutiny Committee for Gondia and Bhandara District. In the year 2022, the Government of Maharashtra constituted a separate Scrutiny

Committee for Gondia and Bhandara District. Thereafter the claim of the Petitioner was transferred from Nagpur to Caste Scrutiny Committee, Gondia for verification.

4. It is further submitted that while the verification of the caste claim was pending, the employer issued a Show Cause notice dated 29.09.2016, directing the Petitioner to submit his caste validity certificate, failing which his service would be terminated with effect from 01.01.2017. The Petitioner immediately approached the Scrutiny Committee on 15.10.2016 and requested early decision on his caste claim. Thereafter, he filed a Writ Petition No.7117/2016 before this Court seeking protection of his service and also sought expeditious decision of his caste claim. This Court vide order dated 23.01.2017, directed the erstwhile Caste Scrutiny Committee, Nagpur to decide the caste claim of the Petitioner within one year and protected his service till then.

5. The learned Senior Counsel Mr. A. S. Mardikar further contended that for the first time the Vigilance Officer of Respondent No.3 Scrutiny Committee issued a notice to the

Petitioner dated 02/05/2017 thereby directed him to fulfill the discrepancies and also to submit pre-constitutional documents. Accordingly the Petitioner submitted his reply to the said notice on 10/05/2017. The Respondent No.3 Scrutiny Committee again issued a letter on 14/09/2018 to the Petitioner asking him to submit a caste certificate in C-Format and Pre-Constitutional documents while returning his original certificate. Therefore, the Petitioner applied to the Competent Authority – Sub Divisional Officer, Sakoli, District Bhandara for issuance of Tribe certificate in Form “C” on 29/09/2018 and said fact was also brought to the notice of the Scrutiny Committee. The Competent Authority rejected the application of the Petitioner for grant of caste certificate on the technical ground that the Petitioner’s original residence prior to 1950 is Umred. The Respondent No.3 Scrutiny Committee constantly insisted the Petitioner to submit the caste certificate in proper format therefore, the Petitioner filed a Writ Petition No.1409/2019 before this Court, challenging the constitutional validity of the Caste Certificate Act, 2000, and seeking other reliefs. The said petition was admitted on

13/03/2019 along with connected matters, and this Court granted interim protection to the Petitioner.

6. It is further submitted that the Vigilance Cell conducted its first inquiry on 01/09/2022 and submitted its report, to which the Petitioner gave his reply on 04/01/2023. However, without valid reason, the Scrutiny Committee ordered a second vigilance inquiry, followed by a third one on 19/06/2023. The Petitioner submitted replies to both subsequent reports on 19/05/2023 and 10/07/2023, respectively. Despite the Petitioner's cooperation and repeated compliance, Respondent No.2 – Caste Scrutiny Committee, Gondia by order dated 19/07/2023, invalidated his tribe claim as 'Halba' Scheduled Tribe, which is now under challenge in the present proceedings.

7. It is pertinent to note that the old documents placed on record by the petitioner, which is enlisted as under:

Sr. No.	Type of Document	Name on the document	Relation with the petitioner	Tribe	Date
1.	Caste Certificate	Giridhar Kashriram Nandanwar	Father	Halba	19.02.1963

2.	School Leaving Certificate	Durgadevi	Mother	Halba	30.04.1963
3.	Caste Certificate	Keshao Kashriram Nandanwar	Uncle	Halba	26.12.1970
4.	Sanitation Register	Kashiram Daaji	Grandfather	Halba	1947
5.	Birth Extract	Kashiram Daaji	Grandfather	Halba	12.11.1942
6.	Extract of School admission	Kashiram Daaji	Grandfather	Halba	01.01.1908
7.	School Leaving Certificate	Kashiram Daaji	Grandfather	Halba	30.07.1911
8.	Certificate of Appreciation	Kashiram Daaji	Grandfather	-----	24.02.1950

8. The Learned Senior Counsel Shri A.S.Mardikar placed reliance on the following judgments :

- (i) ***Writ Petition No.4469/2021***, Ku. Jyoti d/o. Tikadas Ninawe Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, Gadchiroli & Anr., dated 10/02/2023;
- (ii) ***Priya Pravin Parate Vs. Scheduled Tribes Caste Certificates Scrutiny Committee, Nagpur & Ors., 2013(1) Mh.L.J. 180;***
- (iii) ***Writ Petition No. 7182/2022***, Vitthal S/o Madhukar Borghare Vs. The Additional Commissioner, Nagpur & Anr., dated 06/11/2023 and

9. Per Contra the learned Counsel for the Respondent No.2 Caste Scrutiny Committee, Gondia submitted that the

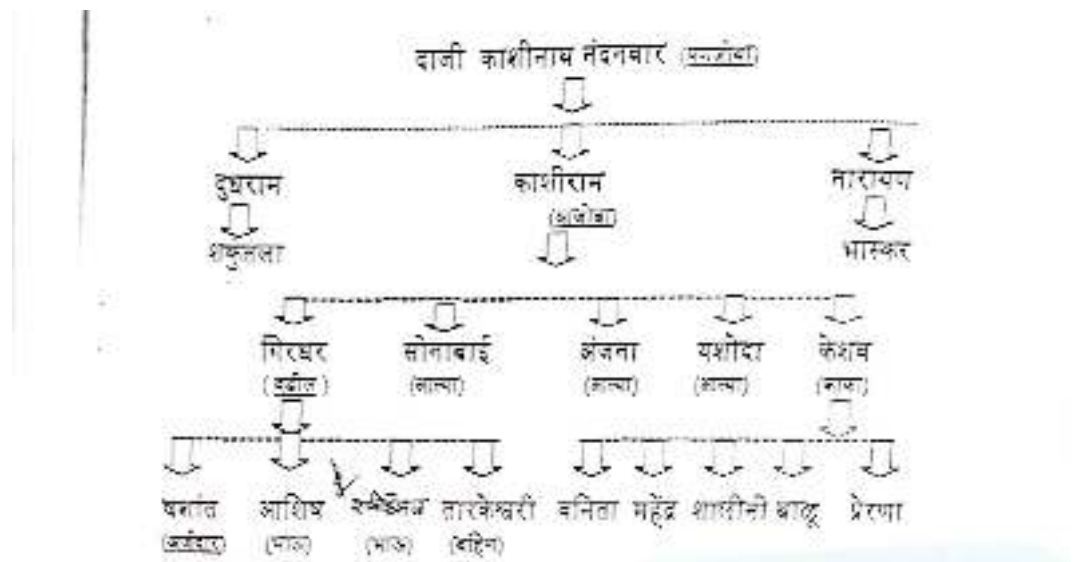
Petitioner's caste claim was referred to the Scrutiny Committee on 12/03/2013 by the Headmaster of Jeevan Vikas Vidyalaya, Umred, for verification as 'Halba' Scheduled Tribe. However, the Vigilance Cell found that the school records submitted by the Petitioner were bogus and fabricated by the then Principal, Shri Vitthal Madhukar Borghare, who was later dismissed from service after departmental inquiry. The inquiry revealed that false school entries were created to support caste claims, and the records pertaining to the Petitioner's family were found suspicious and unreliable.

10. It is further submitted by the Respondent No. 2 that the documentary evidence from 1952, 1954–55, 1955, 1956, and 1990 consistently recorded caste of the Petitioner's family as 'Koshti', which is classified as OBC/Special Backward Category, not Scheduled Tribe. The Vigilance Reports, Service Book entries, and Gram Panchayat records corroborated this finding. The Petitioner's conduct during verification was non-cooperative and misleading. The Scrutiny Committee, relying on various judgments including *W.P. No. 7655/2018, Kushal Tukaramji Barapatre v. Government of India*, dated 15/03/2019 and *C.A.*

No. 370/2017, *Chandrabhan Parate v. State of Maharashtra*, dated 10/08/2021, concluded that the caste 'Koshti' does not fall under the Scheduled Tribe category and as the claim of the Petitioner was false and unsustainable, invalidated the claim of the Petitioner.

11. Heard Learned Senior Counsel for the Petitioner and Additional Government Pleader for Respondent at length. Perused the documents on record and proceeding of Caste Scrutiny Committee with the assistance of learned Assistant Government Pleader and considered the citations relied on by the Petitioner.

12. For the sake of convenience family tree is reproduced as under :



13. It is pertinent to note that the Caste Scrutiny Committee directed the vigilance inquiry thrice. In the report of first vigilance, the Inquiry Officer gave remark that in the record of 1908 in Primary School, Sirsi, name of Kashiram Daji Nandanwar is there vide Admit Cancel Number 719, showing caste as 'Halba'. Similarly on T.C. the caste is shown as 'Halba'. If the record of Birth Register of the year 1942 is perused, it shows that Kashiram Daji Nandanwar gave birth to a son by the name Giridhar Kashiram Nandanwar and the caste is entered in there as 'Halba'. The vigilance cell collected two documents showing Kashiram Daji as 'Koshti' and the culture, tradition etc. lacks affinity. Thereafter, the Petitioner received show-cause notice, it was duly replied by the Petitioner.

14. The third vigilance was conducted and report was submitted on 26.04.2023. On going through the said vigilance cell report, it appears that whatever documents produced by the Petitioner including 1908 and 1947, however, there is no remark in the remark column. The vigilance cell under para-H gave detailed report of the said documents. It is submitted by the

vigilance cell that after search of record of 1908 to 1985 in respect of house in Grampanchayat Sirsi, gave a remark that there is no property within the limit of village Sirsi in the name of the persons who were shown in the genealogy, nor there is any field record in the Office of Talathi and, therefore, the Inquiry Officer raises doubt about residence of applicant's family at Sirsi. However, it can be seen that the vigilance cell conducted the inquiry in respect of Admit Cancel Register of 1908, Sr. No.719, wherein the name of Kashiram Daji is there and caste is shown as 'Halba'. This document was doubted by the vigilance cell on the ground that against the then Headmaster Shri Vitthal Madhukar Borghare, crime was registered for manipulation of record.

15. It is informed by the learned Senior Counsel Mr. A. S. Mardikar for the Petitioner that there is nothing on record to show that the said Headmaster was convicted of any offence and any punishment was imposed by the Zilla Parishad. The petition for terminating the services of the Headmaster Shri Vitthal Borghare came to be quashed and set aside by this Court vide

order dated 06.11.2023 passed in **Writ Petition No.7182/2022** (supra). We have gone through the order passed by this Court. The order of the Chief Executive Officer, Zilla Parishad, Nagpur as well as the order passed by the Additional Commissioner, Nagpur came to be set aside as there was no independent cogent evidence against the Petitioner therein i.e. Vitthal Madhukar Borghare and the Chief Executive Officer, Zilla Parishad as well as Additional Commissioner have not properly appreciated this fact. However, liberty has granted to initiate *De novo* enquiry.

16. The Vigilance Cell procured documents containing entries of 'Koshti'. There are certain documents in respect of Shashank Giridhar Nandanwar. The document was of the year 1979, wherein date of birth of Shashank is shown as 30.08.1973 and the caste is shown as 'Halba'. On the basis of statement recorded by the vigilance Cell, it came to the conclusion that the Petitioner does not belong to 'Halba' Scheduled Tribe but 'Koshti'.

17. The learned Senior Counsel Mr. A. S. Mardikar for the Petitioner placed reliance on the Judgment passed in **Writ**

Petition No. 4469/2021 (supra), in support of his contention that the documents which are filed by the present Petitioner wherein the caste is mentioned as 'Halba', however, they were rejected holding that the Headmaster of the school was chargesheeted for fabrication. This Court held that the reasons given for discarding the documents are not convincing.

18. The learned Senior Counsel Mr. A. S. Mardikar for the Petitioner also placed reliance on **Priya Pravin Parate** (supra) in support of his contention that the 'Koshti' entry might have been recorded as it was given as a profession of the community. In para 10 of the said Judgment reliance is also placed on the authority of **R. V. Russell on Tribes and Castes of the Central Provinces of India**, published in 1916, the portion relied on by this Court from the above referred book is reproduced as under :

"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".

19. The Assistant Government Pleader Mr. A. V. Palshikar vehemently opposed the petition and submitted that in the Service Record of Giridhar (father of the Petitioner), his caste is shown as 'Koshti'. The Petitioner in reply submitted that just because in service book caste is mentioned as 'Koshti' have no effect in view of the old documents showing caste as 'Halba'.

20. There are two entries of 'Koshti' in respect of father of the Petitioner, those were of 1942 and 1955. The entry of 1942 is of Birth Extract and second entry of 1955 is of School Record pertaining to the father of the Petitioner. One document which was procured by the Vigilance Cell is entry of Service Book of father of the Petitioner, wherein the caste 'Koshti' is found against the name of the father of the Petitioner, however, it is of the year 1990. The Scrutiny Committee also relied on a Tax Receipt of Gram Panchayat, Sangadi, District Bhandara dated 02.03.1952, wherein the caste of the grandfather of the Petitioner is shown as 'Koshti'. There are other documents on record to show that the caste of the father as well as grandfather of the Petitioner is shown as 'Koshti'.

21. So far as the document of 1908 is concerned, the same was doubted by the Scrutiny Committee on the ground that there was a criminal complaint against the then Headmaster of the Central Primary School, Sirsi for preparing bogus record. However, as discussed above, this Court set aside the order of punishment in departmental inquiry and he has also been acquitted from criminal charges. However, Court has granted liberty to initiate *De novo* enquiry.

22. So far as birth extract of father of the Petitioner showing his date of birth as 12.11.1942 and caste is shown as 'Halba'. The Caste Scrutiny Committee has not considered this document as the said entry was alleged to be suspicious on the ground that there is only a one day difference between the date of birth and date on which naming ceremony was conducted. The Caste Scrutiny Committee also relied on one document in respect of Kashya Dajya Koshti, which is birth record of 05.07.1942 and name of the son is shown as Krishna. These names are not appearing in the family tree of the Petitioner.

23. It is also pertaining to note that so far as document of the year 1942 is concerned, on inquiry with the Nagar Parishad, Umred, the Chief Officer informed by a letter that on searching the name of father of the Petitioner in the school record of Zilla Parishad Central Primary School, Sangadi, District Bhandara, there is entry vide No. 4524 and caste is shown as 'Koshti' and date of birth in the said document is of 12.11.1942. Even in Service Book of the said Giridhar Kashiram Nandanwar, father of the Petitioner, showing his caste as 'Koshti'. As discussed above, the Chief Officer of Nagar Parishad, Umred informed that the name of Giridhar Kashiram Nandanwar was not found in the birth record.

24. After a comparative study of these documents, it appears that the Petitioner's father as well as forefathers were resident of Sangadi, Tahsil Sakoli, District Bhandara. In the Service Book of father of the Petitioner, his caste is mentioned as 'Koshti'. The school extract of the Zilla Parishad Central Primary School, Sangadi in respect of the Giridhar Kashiram and Keshao Kashiram, the caste is shown as 'Koshti'. In the vigilance cell

inquiry, it was revealed that the Petitioner and his forefathers have no property rather house property either at Sirsi or Nagar Panchayat Umred. The Caste Scrutiny Committee observed in its order that the Petitioner was not co-operating. The Scrutiny Committee relied on Report of J. V. Ferreira Committee 1985, wherein it is mentioned that Nandanwar surname is belonging to 'Koshti' caste but not 'Halba' Scheduled Tribe.

25. So far as the document dated 01.01.1908 in respect of Kashiram Daji is concerned, the said document was not considered by the Caste Scrutiny Committee on the ground that the Principal of the said school of Sirsi was chargesheeted for creating bogus record. There may not be any direct evidence to conclude that the record in respect of Kashiram Daji is fabricated record. However the school which has issued the certificate is Central Primary School, Sirsi whereas, the Petitioner and his forefathers were residing at Sangadi, Tahsil Sakoli, District Bhandara, therefore there is sufficient reason to the Scrutiny Committee not to consider this document. Similarly birth extract of Giridhar Kashiram Daji dated 12.11.1942 is concerned,

though the Panchayat Samiti, Nagbhid gave their remark in the year 2021 that the record dated 12.11.1942 is correct, but then Vigilance Officer inquired about this document, the same Panchayat Samiti informed that in the Birth Extract Register of 1942, the record of Giridhar Kashiram Daji was not found.

26. As discussed above, the record pertaining to Giridhar Kashiram and Keshao Kashiram, their caste is mentioned as 'Koshti'. The date of birth of Giridhar is mentioned as 12.11.1942 whereas the date of birth of Keshao is 20.11.1949. Though, we are not considering the documents in respect of Kashya S/o Dajya Koshti and name of the child born was Krishna, these two documents of Giridhar and Keshao are not denied by the Petitioner, as these are not in respect of his father and real uncle. There is also force in the contention of the learned Assistant Government Pleader that in Service Book of Giridhar (father of the Petitioner), the caste is mentioned as 'Koshti' on 16.10.1990. If at all, the Petitioner claim to belong to the 'Halba' Schedule Tribe, there was no reason to mention the caste in the Service Book as 'Koshti'. The vigilance cell also

procured Tax Receipt of Gram Panchayat Sangadi in the name of Kashiram Daji (grandfather of the Petitioner) mentioning house No.263 and caste is mentioned as 'Koshti'. The tax receipt is in respect of the year 1951. Even, the Tax Receipt pertaining to uncle of father of the Petitioner namely Narayan also shows that there were house property at Sangadi. The Scrutiny Committee also considered the reply received by the Vigilance Inquiry Officer from the Chief Officer, Nagar Parishad, Umred, wherein it is informed that in the Birth Extract Register of 1942, the Birth record of Giridhar Kashiram Nandanwar was not found.

27. Moreover, there is no validity or caste certificate to any of the blood relatives from paternal side of the Petitioner. In view of above discussion, the decision of the Caste Scrutiny Committee cannot be faulted with. Apart from this, the family of the Petitioner does not stand with the affinity test of the 'Halba' Scheduled Tribe community. If there would have been documents beyond suspicion and still affinity test would have been considered by the Scrutiny Committee, then there was a scope to hold that the Scrutiny Committee was not justified by

relying on the affinity test. Thus, we hold that the Petitioner failed to establish his tribe claim as belongs to 'Halba' Scheduled Tribe. Accordingly the writ Petition stands **dismissed**. No order as to costs.

(M.W. CHANDWANI, J.)

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

Kirtak