



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

WRIT PETITION NO. 6757 OF 2023

Jivantika d/o Tulshiram Jambhule,
Aged about 18 years, Occ.- Student,
R/o. Ganeshpur, Near Police Tank,
Shikshak Colony, Bhandara,
Tah. & Dist. Bhandara.

.... **PETITIONER**

// **VERSUS** //

- 1) **Scheduled Tribe Certificate Scrutiny
Committee, Nagpur Division, Nagpur,**
through its Chairman,
Committee for Scheduled Tribe Claims,
Office at Adiwasi Bhawan, 2nd Floor,
Giripeth, Nagpur, Tah. and Dist. Nagpur.
- 2) **State of Maharashtra,**
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
- 3) **The Principal, Samarth College,
Lakhni, Samarth Nagar, Lakhni,**
Tah. Lakhni, Dist. Bhandara.
- 4) **The Registrar,**
Rashtrasant Tukdoji Maharaj
University, Civil Lines, Nagpur.
- 5) **Sub-Divisional Officer,**
Sub-Divisional Office, Mauda,
Tq. Mauda, Dist. Nagpur.

.... **RESPONDENTS**

Mr. P. P. Dhok, Advocate for the Petitioner.
Ms. S. S. Jachak, Additional Government Pleader for
the Respondent Nos.1, 2 & 5.
Mr. Chandrakant Bailmare, Advocate h/f. Mr. N. S.
Khubalkar, Advocate for the Respondent No.4.

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

DATE : 25th NOVEMBER, 2025.

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

1. **RULE.** Rule made returnable forthwith. Heard finally with the consent of the learned Counsel appearing for the parties.
2. By this Petition, the Petitioner is challenging the order dated 31/03/2023, passed by Respondent No.1 Scheduled Tribe Certificate Scrutiny Committee, Nagpur invalidating her caste claim belonging to Mana Scheduled Tribe.
3. The Petitioner submitted that she belongs to the 'Mana' Scheduled Tribe which is enlisted at Sr. No. 18 of the Scheduled Tribe list for Maharashtra under Scheduled Castes & Scheduled Tribes Order (Amendment) Act, 2000. The Petitioner applied for caste certificate as 'Mana' Scheduled Tribe, which was issued on 01/12/2021 by the Sub-Divisional Officer, Mauda, Tah. Mouda, District Nagpur, on the basis of which she obtained admission to the B.Sc. (Bachelor of Science in Microbiology) course in the college of Respondent No. 3. The Petitioner submitted her caste claim for verification on 04/03/2022 to the Scrutiny Committee

along with all documents and family tree. Thereafter the claim was referred to the Police Vigilance Cell, following which, an enquiry was conducted and Report was submitted on 10/06/2022 to the Caste Scrutiny Committee, to which the Petitioner filed her detailed reply on 26/06/2022.

4. The learned Counsel for the Petitioner submitted that the Caste Scrutiny Committee rejected the Petitioner's caste claim on 31/03/2023, relying mainly on land records from 1912–1917 describing alleged ancestors, Barkya and Godad S/o Nago Kunbi, wherein Caste is shown as 'Kunbi', which the Petitioner denied the same as they are not related to her family. The Petitioner contended that the Scrutiny Committee failed to consider the oldest available records showing her lineage as Mana, including a 1936 Birth Record of a male child of Zagdu Mana and a 1958 School Record of her grandmother where "Mani" was recorded due to clerical error, and further failed to properly apply the principles laid down in *Kumari Madhuri Patil Vs. Additional Commissioner (AIR 1995 SC 94)*, which emphasize continuity of caste lineage once genuine tribal origin is established.

5. The documents placed on record by the Petitioner and the documents procured by the Vigilance Cell during the Vigilance enquiry is enlisted below-

Sr. No	Document Type	Name on the Document	Relation with the petitioner	Caste/ Tribe	Date on the document	Source of submission
1.	Bandobast Khasra Land Record Mouda Dist-Nagpur	Barkya and Godad S/o Nago Kunbi	Great Great Grand-father	Kunbi	1912-1917	Found during Vigilance
2.	School Record, (Gangner, Tah Mouda, Dist Nagpur)	Tuljabai Zaglu	Grand-mother	Mani	01.02.1958 (Date of Birth) 06.07.1967 (Date of Admission)	Found during Vigilance
4.	Service Record	Upasrao Jhagdoo	Grand father	Mana Hindu ST	21.01.1985	Found during Vigilance
4.	Birth Record (village Khaldala, Tah Mouda, Dist-Nagpur)	Namdeo (Male Child Born to Zagdu Mana)	Cousin Grand-father	Mana	12.12.1963	Submitted by Petitioner
5.	School Record, (Gangner, Tah Mouda, Dist Nagpur)	Tulsiram Upasrao Jambhule	Father	Mana	13.07.1983	Submitted by Petitioner
6.	School Rercord, (Gangner, Tah Mouda, Dist Nagpur)	Devidas Upasrao Jambhule	Paternal Uncle	Mana	09.07.1985	Submitted by Petitioner

6. As against this, the learned Additional Government Pleader Ms. S.S. Jachak for the Respondent contended that the

Respondent No.1 examined the Petitioner's claim strictly in accordance with the Supreme Court's guidelines in ***Ku. Madhuri Patil v. Additional Commissioner (AIR 1995 SC 94)***, as well as under Maharashtra Act No. XXIII of 2001 and the relevant Rules of 2003. It is further submitted that the case was duly sent to the Police Vigilance Cell for home, school, and other enquiries. Despite being granted with ample opportunity to provide required documents and explain discrepancies during the hearing, the Petitioner failed to cooperate and did not submit critical documents sought by Respondent No.1 Committee.

7. The Respondent No.1 Caste Scrutiny Committee further submitted that the vigilance enquiry revealed that the Petitioner's ancestors were recorded as 'Kunbi' and 'Mani' in relevant official records, which are recognized as non-tribal castes under various Supreme Court precedents and thus do not support the claim to 'Mana' Scheduled Tribe status. Additionally, the Petitioner's family residence lies outside the notified areas for the 'Mana' Scheduled Tribe, and the Petitioner has not demonstrated socio-cultural traits or affinities consistent with this tribe. Hence, in line with legal precedents and the constitutional authority to amend Scheduled Tribe lists resting solely with Parliament, the

rejection of the caste claim and invalidation of the caste certificate was fully justified and legally sound.

8. Heard both the parties at length. Perused the documents on record and proceeding of the Caste Scrutiny Committee with the assistance of the learned Additional Government Pleader and considered the citations relied on by the Petitioner.

9. It is a matter of record that there are no validities issued in favour of any blood relative of the Petitioner. According to the Petitioner, there is one document of 1936 showing male child Namdeo born to Zagadu wherein the caste is shown as 'Mana', whereas the Vigilance Cell has collected one document of 1912-17, showing Barkya s/o Nago Kunbi wherein caste is shown as 'Kunbi'. It is even 'Bandobast Khasra' of land record of Mouda District Nagpur relied upon by the Scrutiny Committee. There is one entry of 1958, wherein caste is shown as 'Mani', however, she is the grandmother of the Petitioner therefore that cannot be relied upon. Thus, the oldest entry is of 1912-17, wherein Barkya and Godad S/o Nago shown as 'Kunbi'. Though, the Petitioner denied the relationship with the said Nago Kunbi, but Nago Kunbi

is the father of Barkya. The Family tree begins with the great-grandfather of the Petitioner, namely Barkya. There is no father's name of Barkya in the family tree. On perusal of the said document, it is a revenue entry (P-1) of the year 1912-17, showing Barkya S/o Nago as 'Kunbi' and it is in respect of the same property, which is recorded in the document produced by the Petitioner of the year 1954-55 i.e. Survey No.114. The survey number and the village Khandala are the same.

10. In view of this, there is no doubt that the Petitioner though denied that Barkya S/o Nago Kunbi is not from her family. It appears that Barkya is the same person from this family. As such, entries of 'Mani' and 'Kunbi' are contrary entries, and the oldest entry is of 'Kunbi' will prevail over the subsequent entries. Therefore, there is no illegality in the order passed by the Caste Scrutiny Committee. As such, the Writ Petition stands **dismissed**.

11. Rule is discharged. No order as to costs. Pending application(s), if any, stand(s) disposed of.

(M.W. CHANDWANI, J.)

(M.S. JAWALKAR, J.)