



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

WRIT PETITION NO. 7420 OF 2024

Ku. Mrunali D/o. Parasram Dhok,
Age-18 years, Occ.- Student,
R/o. At. Ghorpad, Post. Ajani,
Ta. Kamptee, Dist. Nagpur-441001.

.... **PETITIONER**

// VERSUS //

- 1) **State of Maharashtra,**
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
- 2) **The Scheduled Tribe Certificate
Scrutiny Committee, Nagpur,**
through its Member-Secretary,
Adiwasi Vikas Bhawan,
Amravati Road, Giripeth,
Nagpur – 440010.

.... **RESPONDENTS**

Mr. S. D. Borkute, Adv. for the Petitioner.
Mr. A. V. Palshikar, AGP for the Respondents.

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

DATE ON RESERVING THE JUDGMENT : 08.09.2025
DATE ON PRONOUNCING THE JUDGMENT : 16.09.2025

JUDGMENT : (Per – Mrs. M. S. JAWALKAR, J.)

1. Heard.

2. Rule. Rule made returnable forthwith. The matter is taken up for final hearing at the stage of admission by consent of the parties and at the request of the parties.

3. The Petitioner, by this Petition, is challenging the impugned order dated 13/09/2024; passed by the Respondent No.2 - Scrutiny Committee, whereby invalidated the caste claim of the Petitioner, as “Mana” Scheduled Tribe and the Caste Certificate issued by the Sub-Divisional Officer, Mouda, Dist. Nagpur, dated 12/08/2022 has been cancelled and confiscated.

4. The Petitioner submitted that she belongs to the “Mana” community, recognized Scheduled Tribe in the State of Maharashtra as per the Presidential Notification under Article 342(1) of the Constitution of India at Sr.No.12. The Petitioner has passed her 12th standard examination in February 2024 and she is preparing for CET and JEE examinations and requires a caste validity certificate for admission to professional courses. Her caste claim was referred to the Scrutiny Committee by her school,

supported with several documents including Caste Certificates, School Leaving Certificates of family members, Kotwal Panji Entries of 1945, Revenue Records, and affidavits.

5. The Petitioner submitted that despite producing these records and documents, the Vigilance Cell submitted an adverse report against the Petitioner on 20/08/2024, mainly pointing to discrepancies such as entries showing “Mani” instead of “Mana” in some documents. Based on this, the Scrutiny Committee invalidated the Petitioner’s caste claim on 13/09/2024, stating that the affinity test did not match, sufficient pre-independence documents were not produced, and contradictory caste entries were existed.

6. The Petitioner contends that this decision is to be arbitrary, perverse, and contrary to law. She emphasizes that the oldest and most reliable record the 1945 Kotwal Panji, which clearly mentions her grandfather’s caste as 'Mana'. The Petitioner submitted that the Scrutiny Committee wrongly ignored these pre-independence documents, which carry the highest probative value, and instead relied on mistaken “Mani” entries from the later records. The learned Counsel for the Petitioner placed

reliance on judgment of this Court in **Writ Petition No.788/2021** (*Mr. Rajendra S/o Premrao Hedau Vs. The State of Maharashtra and others*), dated **09/02/2021**.

7. As against this, the Respondent contented that the Petitioner's claim, referred by Decent English High School and Junior College, Nagpur, was examined in accordance with the Supreme Court guidelines given in the case of **Madhuri Patil Vs. Additional Commissioner & Ors., AIR 1995 SC 94**, and under the Maharashtra Act No. XXIII of 2001 and Rules, 2003. The case was forwarded to the Vigilance Cell on 08/11/2023. The Vigilance Cell submitted its adverse report on 20/08/2024.

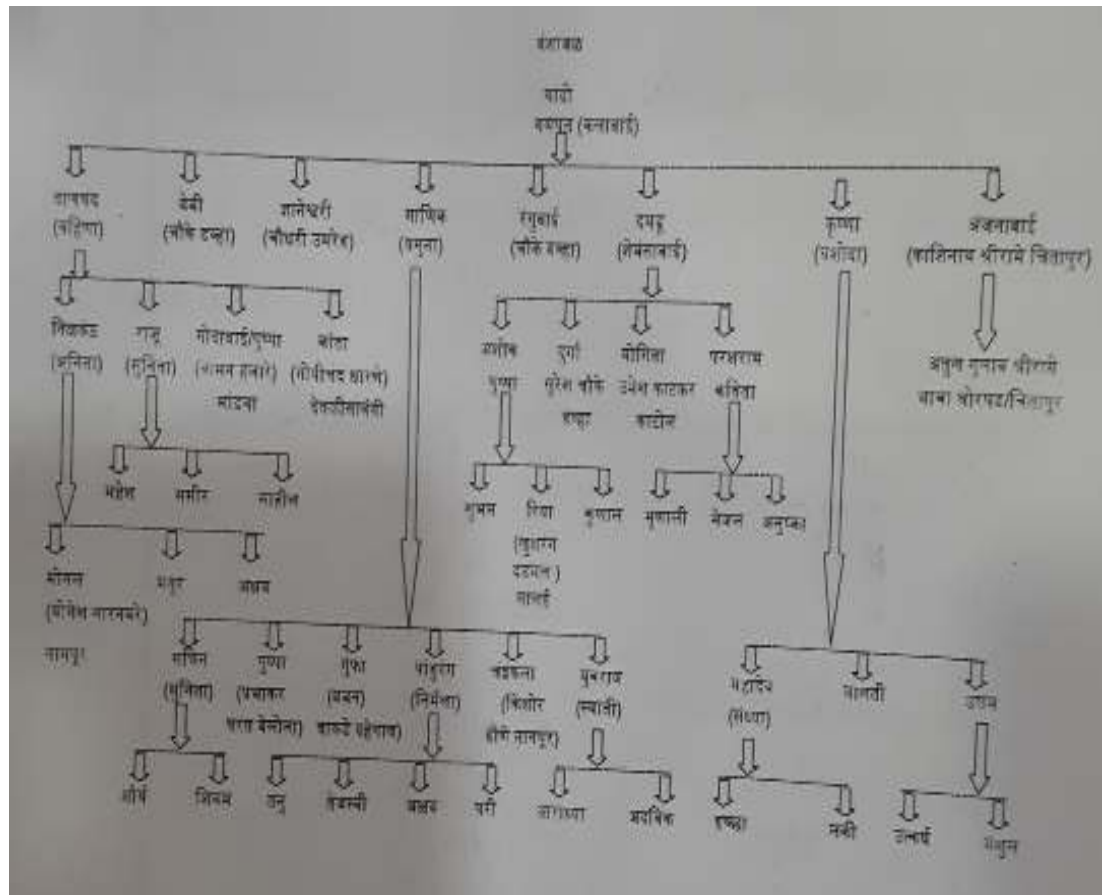
8. The Respondent further contended that pursuant to High Court directions in Writ Petition No. 4263/2024, the Petitioner and her relatives appeared before the Committee. She was given notices dated 22.08.2024 and 05.09.2024, finally the Petitioner appeared on 06.09.2024 and submitted her reply. After hearing her and perusing the records, the Committee found that her explanation did not support the "Mana" Scheduled Tribe claim. The Respondent-Committee submits that while some school records of the Petitioner's relatives show caste as "Mana" in later

years, more reliable entries of her grandmother and cousin aunt from 1960 and 1974 record caste as “Mani”. Such entries, made by competent authorities and maintained for decades, cannot be treated as clerical mistakes. In Maharashtra, there are two distinct communities with the same nomenclature: Mana recognized as Scheduled Tribe, and another Mana earlier included in OBC/SBC lists, later deleted in 2004, confirming its separate non-tribal status.

9. It is further submitted by the Respondent that socio-cultural information, traits, and customs provided by the Petitioner and her relatives, do not establish affinity with the ‘Mana’ Scheduled Tribe at Sr.No.18 of the Presidential Notification. Mere reliance on later school entries or relatives’ validity certificates cannot override older and contrary records. Hence, both on documentary and socio-cultural grounds, the Petitioner’s claim for Scheduled Tribe status is unsustainable.

10. Heard both the parties at length. Perused the original record produced by the learned AGP of Caste Scrutiny Committee with his assistance.

11. The petitioner placed various documents on record including one entry of 12/12/1945 in Kotwal Panji in respect of his great grandfather. There is one extract copy of Record of Rights (Adhikar Abhilekh) of the year 1954-55 of village Ghorpad. This oldest entry showing great grandfather of the petitioner as Mana. As per Kotwal Panji, it can be seen that the said Ganpat gave birth to son namely Damdu. This document was very much before the Caste Scrutiny Committee. This document of 1945 is discarded by the Caste Scrutiny Committee on the ground that it is suspicious. It is an admitted fact that during vigilance, it was found that there was application No.1698/2022 for certified copy filed by the petitioner on 31/05/2022. She was also supplied certified copy with Outward No.1945/306/38/Kamthi/Ghorpad/Ganpat Mana/Damdu dated 01/06/2022. If the said document (Pg. 32) is perused, which shows that Ganpat Mana gave birth to a male child on 12/12/1945. The name of the son is Damdu. This certified copy is issued on 01/06/2022 by the Collector, Nagpur. The name of Damdu s/o Ganpat is reflecting in the genealogy. The genealogy is reproduced as under:



12. The learned counsel for the petitioner relied on judgment in **Writ Petition No.788 of 2021** (*supra*), wherein this Court observed in paras-14 and 15 as under:

“14. Now moving to the entry of 1933, it is stated that the police vigilance cell could not find a copy of application on the record of the school, seeking ‘Transfer Certificate’. The other reason for discarding the said entry was that the complete entry was not found, because the record is very old and a small corner part of the page having entry ‘Hedau’ relating to grand father of the petitioner, has been pulled apart or torn.

15. *The aforesaid reasons cannot be accepted as valid, while it is not the case of the Committee that the document of the year 1933 is bogus, forged or fabricated. In that view of the matter, we hold that the Committee has not assessed the documentary evidence available on record in totality and omitted to consider and appreciate the important piece of evidence in the*

form documents of pre-Constitutional period, which is having high degree of probative value.”

13. The learned counsel for the petitioner submitted that the oldest entry is of 1945 and certified copy of which is duly supplied by the Collector, Nagpur. Therefore, in view of section 79 of the Indian Evidence Act, there has to be presumption that the document is genuine. Thus, certified copy issued as per the provisions of law is having presumptive value, which cannot be discarded unless contrary is established. We are of the considered opinion that only because there is some suspicion in the mind of Members of Caste Scrutiny Committee that itself cannot be a ground to discard the oldest entry of Mana of the year 1945. There are entries of 1966 showing Damdu s/o Ganpat Dhok as Mana. The petitioner placed on record 7/12 Extract and extract of land records to show that they were resident of village Ghorpad. The extract of Kotwal Panji is also in respect of village Ghorpad.

14. In our considered opinion, it is well settled position of law that the oldest entry would prevail over the subsequent entries, even if there is any entry of Mani subsequent to the entry of Mana. The entry Mana will prevail over the other entries. As

such, the impugned order passed by the Caste Scrutiny Committee is liable to be quashed and set aside. Accordingly, we proceed to pass the following order.

- (i) The writ petition is allowed.
- (ii) The impugned order dated 13/09/2024, passed by respondent No.2-The Scheduled Tribe Certificate Scrutiny Committee, Nagpur is hereby quashed and set aside.
- (iii) It is declared that the petitioner has duly established that she belongs to 'Mana' Scheduled Tribe. The respondent No.2- The Scheduled Tribe Certificate Scrutiny Committee, Nagpur is hereby directed to issue validity certificate of 'Mana' Scheduled Tribe in favour of petitioner within a period of two weeks.
- (iv) The petitioner can rely on this judgment till the validity certificate is issued by the Caste Scrutiny Committee.

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

(RAJ D. WAKODE, J.)

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