



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

WRIT PETITION NO. 3461 OF 2024

Sneha D/o Ravindra Katole,
Aged about 17 years, Occ. Student,
through its Natural Guardian of father
Shri Ravindra S/o Ukanda Katole,
Aged about 51 years, Occ. Service,
R/o. at post Dhanki,
Tq. Umarkhed, Dist. Yavatmal. **PETITIONER**

// VERSUS //

- 1) **The Schedule Tribe Caste Certificate
Scrutiny Committee,**
Through its Member-Secretary,
Yavatmal.
- 2) **The Principal,**
Bansilal Ramnath Agarawal Charitable
Trust's Vishwakarma Institute of
Technology, Bibwewadi, Pune. **RESPONDENTS**

Mr. Ashwin Deshpande, Advocate for Petitioner.
Ms. K. H. Bhondge, Assistant Government Pleader for
Respondent No.1.
Mr. D. U. Thakare, Advocate for Respondent No.2.

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

DATE ON RESERVING THE JUDGMENT : 07.10.2025
DATE ON PRONOUNCING THE JUDGMENT : 17.11.2025

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 order dated 31.10.2023 passed by the Respondent No. 1 - Scheduled Tribe Caste Scrutiny Committee, Yavatmal thereby invalidating the caste claim of the Petitioner to the 'Halbi' Scheduled Tribe mentioned at Sr. No. 19 of the Constitution (Schedule Tribe) Order, 1950, and further confiscating and cancelling the Caste Certificate issued to the Petitioner by the Sub-Divisional Officer, Umarkhed on 06.12.2022.

3. It is submitted that the Petitioner is a student and has taken admission in B.E Degree Course in Computer Engineering through CAP round in Respondent No. 2 College on 06.08.2023. The proposal of the Petitioner was forwarded to the Respondent No.1 Caste Scrutiny Committee through the office of Principal, Vasantrao Naik Krushi College of Arts and Commerce, Higher Secondary College vide letter dated 30.11.2022. In support of

her caste claim, the Petitioner submitted following documents of Pre-constitutional period:

Sr. No.	Description of Document	Caste/ Tribe	Date
1	Birth Record of son born to Great Great Grandfather of Petitioner (Laxman Vald Narayan) namely Ukanda	Halbi	1946
2	Birth Record of son born to Great Great Grandfather of Petitioner (Laxman Vald Narayan) namely Shama	Halbi	22.03.1935
3	Birth Record of female child born to Great Great Grandfather of Petitioner (Laxman Vald Narayan) namely Shewanti	Halbi	23.08.1937
4	Birth Record of son born to Great Great Grandfather of Petitioner (Laxman Vald Narayan) namely Narayan	Halbi	08.07.1951

4. It is further submitted that since the caste claim of the Petitioner had not been decided by the Respondent No. 1 Caste Scrutiny Committee within a reasonable period, the Petitioner filed a Writ Petition No. 5204/2023 before this Court seeking directions to Respondent No. 1 Committee to decide the caste claim of the Petitioner in time bound manner and protect the admission of the Petitioner. This Court, vide its order dated 17.08.2023, directed the Respondent No. 2 College that the admission of the Petitioner shall not be cancelled for want of validity certificate until further orders.

5. In the meanwhile, the Police Vigilance Cell conducted an inquiry and submitted its report to the Respondent No. 1 Caste Scrutiny Committee, whereby the Petitioner was issued a show cause notice on 24.08.2023 by the Respondent No. 1 Caste Scrutiny Committee. The Petitioner appeared before the Caste Scrutiny Committee and submitted his detailed explanation on 13.09.2023. After considering the vigilance report as well as the documentary evidence submitted by Petitioner, the Respondent No. 1 Caste Scrutiny Committee, by its order dated 31.10.2023, invalidated the tribe claim of the Petitioner, which is the subject matter of the present petition.

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

- (i) ***Anand Vs. Committee for Scrutiny and Verification of Tribe Claims & Ors.***, reported in ***(2012) 1 SCC 113***;
- (ii) ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others***, reported in ***(2023) 16 SCC 415*** and.

7. As against this, the Respondent No. 1 Caste Scrutiny Committee has relied on the following documents procured by

the Vigilance Cell in its inquiry belonging to pre-constitutional period, which are adverse to the claim of the Petitioner :

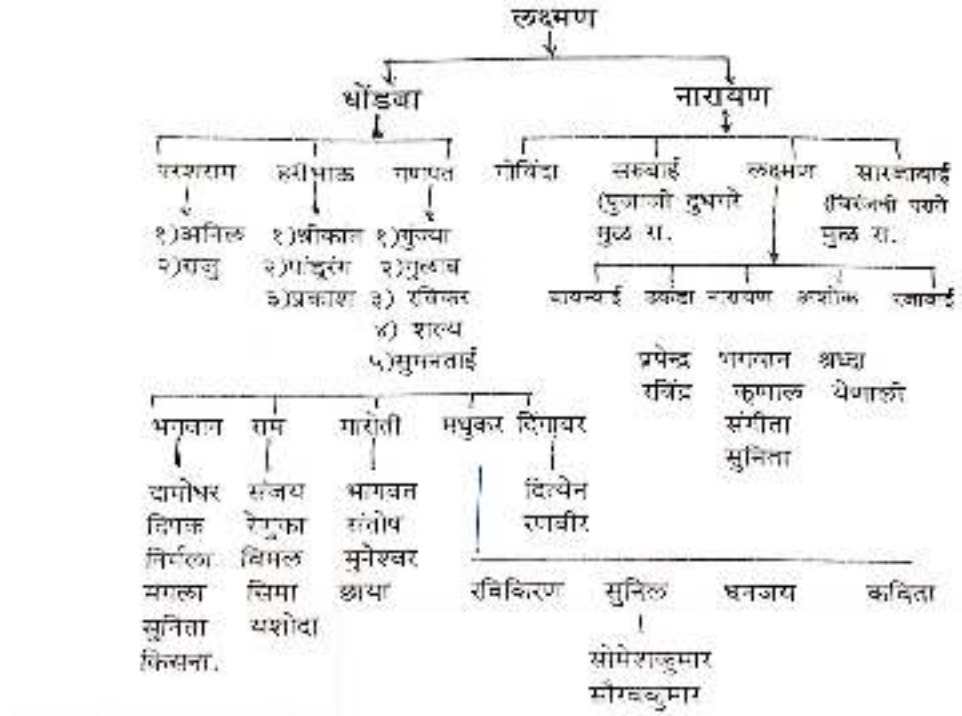
Sr. No.	Document Type	Name	Relationship with the petitioner	Caste	Date
1	Birth Extract	A male child born to Govinda Koshti	Great Grandfather of husband of the cousin aunt	Koshti	17.02.1919
2	Birth Extract	A male child namely Nagoba born to Govinda Koshti	Great Grandfather of husband of the cousin aunt	Koshti	02.08.1929
3	Birth Extract	A Male child namely Shama born to Laxman Halbi	Great Grandfather	Halbi	22.03.1935
4	Birth Extract	A female child namely Shevanti born to Laxman Narayan Haalbi	Great Grandfather	Halbi	23.08.1937
5	Birth Extract	A male child namely Devrao born to Chandrabhan Govind Koshti	Grandfather of husband of the cousin aunt	Koshti	16.05.1947

8. The Respondent No. 1 Caste Scrutiny Committee contended that the oldest documents submitted by the Petitioner were single entry documents and no corroborative documents were either submitted by the Petitioner or procured by the Vigilance Cell in its inquiry. It is further contended that during

the vigilance inquiry, adverse entry of 'Koshti' of the year 1919, 1929, 1947, 1952, 1953, 1957, 1963, 1964, 1970 so also adverse entry of 'Halbi' of the year 1935 and 1937 were also procured by the Vigilance Cell. It is further contended that the Caste Scrutiny Committee evaluated the documentary evidence submitted by the Petitioner and procured by the Vigilance Cell and after granting opportunity of hearing to the Petitioner, came to the conclusion that the Petitioner has failed to substantiate that she belongs to 'Halbi' Scheduled Tribe and rightly invalidated the claim of the Petitioner.

9. Heard both the parties at length. Perused the record of the Caste Scrutiny Committee with the assistance of Assistant Government Pleader and considered the citations relied on by the learned Counsel for the Petitioner.

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



1. It needs to be noted here that in Writ Petition No. 7256/2024, Sauravkumar Sunilkumar Katole, who is cousin brother of the Petitioner got a validity certificate. Similarly in Writ Petition No.7257/2024, Sunilkumar Madhukar Katole, uncle of the Petitioner got the validity certificate that they belong to 'Halbi' Scheduled Tribe. In another Writ Petition No.5098/2019, one Somshekhar, who is real brother of Sauravkumar Sunilkumar Katole also granted the validity certificate as he belongs to 'Halbi' Scheduled Tribe. Thus, all the documents were considered by this Court and come to the

conclusion that Sauravkuar, Sunilkumar as well as Somshekhar are the persons belonging to “Halbi” Scheduled Tribe. Thus, documents produced by the Petitioner are also considered in the said writ petitions. The Vigilance Cell procured some documents showing entry as “Koshti”, however, the name of the person is not appearing in the family tree.

12. So far as entry of Govinda Koshti of 1919 is concerned, there is no other details in the said document and the place of residence is shown as Dabhadi, whereas forefathers of the Petitioners are of Mahagaon or Fulsawangi. Thus, for want of other details, entry of 1919 showing Govinda as ‘Koshti’ cannot be relied upon, specifically when their place of residence is shown as Dabhadi. So far as second document of 1929 is concerned, there is no son by name Nagoba to the Govinda. It appears that Govinda Koshti is some other person and not related to the Petitioner. On perusal of the order passed by the Caste Scrutiny Committee, it appears that Sunilkumar and Sauravkumar are blood relatives of the Petitioner. The Family Tree is produced at page No.77 of the petition and the Judgment

of Caste Scrutiny Committee. On the said family tree, there are signatures of Ganpatrao Katole and Ukanda Laxman Katole. As such, this family tree can be taken into consideration. In view of the Judgment in **Writ Petition No.7256/2024**, Sauravkumar Katole has granted with validity certificate as he belonging to 'Halbi' Scheduled Tribe by this Court. Therefore, the relevant paragraph Nos.20 and 21 of the said judgment are reproduced as under :

*“20. Learned Counsel for the petitioner placed reliance on **Mah. Adiwasi Thakur Jamat Swarakshan Samiti** (supra), wherein, the Hon’ble Apex Court held as under in paragraph No. 38 as under:*

“38. Thus, to conclude, we hold that :

(a) Only when the Scrutiny Committee after holding an enquiry is not satisfied with the material produced by the applicant, the case can be referred to Vigilance Cell. While referring the case to Vigilance Cell, the Scrutiny Committee must record brief reasons for coming to the conclusion that it is not satisfied with the material produced by the applicant. Only after a case is referred to the Vigilance Cell for making enquiry, an occasion for the conduct of affinity test will arise.

(b) For the reasons which we have recorded, affinity test cannot be conclusive either way. When an affinity test is conducted by the Vigilance Cell, the result of the test along with all other material on record having probative value

will have to be taken into consideration by the Scrutiny Committee for deciding the caste validity claim; and

(c) In short, affinity test is not a litmus test to decide a caste claim and is not an essential part in the process of the determination of correctness of a caste or tribe claim in every case.

21. It is one of the contention that the caste certificate was invalidated in respect of uncle of the petitioner i.e. Dhananjay Katole. However, he has not challenged the same. Therefore, it has attained finality.”

13. It would be beneficial to refer the Judgment in ***Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 & Ors.***, reported in ***2010 (6) Mh.L.J.***, wherein the Hon’ble Apex Court held as under :

“9. ...In the circumstances, we are of the view that the committee which has expressed a doubt about the validity of caste claim of the petitioner and has described it as a mistake in its order, ought not to have arrived at a different conclusion. The matters pertaining to validity of caste have a great impact on the candidate as well as on the future generations in many matters varying from marriage to education and enjoyment, and therefore where a Committee has given a finding about the validity of the caste of a candidate another committee ought not to refuse the same status to a blood relative who applies. A merely different view on the same facts would not entitle the committee dealing with the subsequent caste claim to

reject it. There is, however, no doubt as observed by us earlier that if a committee is of the view that the earlier certificate is obtained by fraud it would not be bound to follow the earlier caste validity certificate and is entitled to refuse the caste claim and also in addition initiate proceedings for cancellation of the earlier order.”

14. It would be also beneficial to refer the Judgment in ***Priya Pravin Parate Vs. Scheduled Tribes Caste Certificate Scrutiny Committee, Nagpur & Ors.***, reported in **2013(1) Mh.L.J. 180**, wherein the Hon’ble Apex Court held as under :

“10. Insofar as the reliance on some of the entries pertaining to petitioners relatives from paternal side showing caste to be 'Koshti' on which Mr. Deshpande, learned Counsel relies, are concerned, perusal of the said document would reveal that though the caste of the said person is written as Koshti, the profession is also shown as weaving. As can be seen from the Gazetteer of Amravati District, that Halbi's in erstwhile Ellichpur and Anjangaon Surji in Daryapur Taluq in Amravati District were also engaged in the profession of weaving. It is common knowledge that persons engaged in the profession of weaving were called as "Koshti". A possibility cannot be ruled out that due to this, said entries might have recorded. It is also relevant to refer to some portion from the authority of R.V. Russell on Tribes and Castes of the Central Provinces of India, published in 1916, wherein while dealing with the Halba Tribe, it has been stated that "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.”

15. Thus, it can be seen that the Petitioner placed on record the old documents showing his paternal relatives as ‘Halbi’ Scheduled Tribe of the year 1935, 1937, 1946 and 1951. So far as documents procured by the Vigilance Cell, these two entries of 1935 and 1937 are duly verified. As discussed above, the document of 1919 is not established that it pertains to the members of family of the Petitioner. Second document of 1929 also cannot be relied as it is mentioned that one son namely Nagoba born to Govinda Koshti, however, there is no son Nagoba to Govinda. It appears that the father of the Petitioner Ravindra Ukanda Katole made a statement while giving family tree that Shama born to Laxman Halbi is expired before marriage. Thus, the entry of 1935 which is procured by the Vigilance Cell showing caste ‘Halbi’ in respect of Shama born to Laxman Halbi. Thus, there is one entry of Koshti which appears to be in relation to the Petitioner in 1947 otherwise the other

entries of 1935, 1937, 1946 and 1951 are of 'Halbi'. Moreover, there are already validity certificates are issued in favour of Sauravkumar Sunilkumar Katole, who is cousin brother of the Petitioner and Sunilkumar Madhukar Katole, uncle of the Petitioner and one Somshekhar, who is real brother of the Sauravkumar, as they belong to 'Halbi' Scheduled Tribe.

16. In view of the citation referred in Judgment, we are of the considered opinion that the Petitioner have duly established that she belongs to 'Halbi' Scheduled Tribe and order passed by the Caste Scrutiny Committee is passed without verifying the actual facts and without making any statement how the persons against whom the 'Koshti' is recorded are in relation with the Petitioner. If the family tree is admitted as given by the father of the Petitioner, there is no scope to add any other person, who has no nexus with the Petitioner.

17. As such, the order passed by the Caste Scrutiny Committee is erroneous, perverse and liable to be set aside.

The Petitioner duly established that she belongs to 'Halbi', Scheduled Tribe. Accordingly, we pass the following order :

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 31.10.2023, passed by the Respondent No.1 – Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal in case No. 11/510/Edu/012023/4359, is hereby quashed and set aside.
- (iii) It is declared that the Petitioner duly established that she belongs to "Halbi" Scheduled Tribe.
- (iv) The Respondent No.1 – Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal is hereby directed to issue validity certificates of "**Halbi**" Scheduled Tribe to the Petitioner – **Sneha D/o Ravindra Katole** within a period of three weeks.

Rule is made absolute in the above terms. No order as to costs.

(RAJ D. WAKODE, J.)

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