



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

WRIT PETITION NO. 8173 OF 2022

PETITIONER : Dakshata D/o Devrao Mangare, Aged about 25 yrs., Occ.: Student, R/o Radhika Layout, Near Darda Nagar, Yavatmal.

-Versus-

RESPONDENTS : 1. The Vice-Chairman/Member-Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal.
2. The Principal, D.M.M. Ayurved Mahavidyalaya, Yavatmal.
3. The Registrar/Vice-Chancellor, Maharashtra University of Health Science, Mhasrul Road, Nasik.

Ms P. D. Rane, Adv. for the petitioner.
Mrs. S.S.Jachak, AGP for the respondent-State.
None for respondent No.2.
Mr. Abhijit Deshpande, Adv. for respondent No.3.

WRIT PETITION NO. 1304 OF 2024

PETITIONER : Mr. Rahul S/o Gajanan Mangare, Aged about 27 years, Occ.: Student, R/o Wanjari Fail, Near Nagar Parishad School, Yawatmal, Dist. Yawatmal.

-Versus-

RESPONDENTS : 1. The State of Maharashtra, Ministry of Irrigation Through its Secretary, Madam Kama Road, 15th Floor New Administrative Building, Mantralaya, Mumbai-400032.

2. The Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal, through its Vice President and Member Secretary.
3. Superintendent Engineer, Quality Control Circle, Vainganga Nagar, Ajani, Nagpur.
4. Executive Engineer, Quality Control Department, Khamgaon, Man Prkalp, Residency Area, Khamgaon, Distt. Buldhana – 444303.

 Ms P. D. Rane, Adv. for the petitioner.
 Mrs. S.S.Jachak, AGP for the respondent-State.
 None for respondent Nos.3 and 4.

WRIT PETITION NO. 7845 OF 2023

PETITIONER : Mr. Aniket S/o Gajanan Mangare, Aged about 25 years, Occ.: Student, R/o Wanjari Fail, Near Nagar Parishad School, Yavatmal, Dist.Yavatmal.

-Versus-

RESPONDENT : The Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal, Sai Uttam Villa, House NO.3, Near Rangoli Ground, Shastri Nagar, Yavatmal-445001.

 Ms P. D. Rane, Adv. for the petitioner.
 Mrs. S.S.Jachak, AGP for the respondent-State.

**CORAM: SMT. M. S. JAWALKAR &
 RAJ D. WAKODE, JJ.**

**CLOSED ON : 15TH SEPTEMBER, 2025
 PRONOUNCED ON : 30TH SEPTEMBER, 2025**

J U D G M E N T (Per : Smt. M. S. Jawalkar, J.)

Heard. **Rule.** Rule is made returnable forthwith.

2. Since the petitioners are blood relatives, the issue involved in these petitions is the same, thus same are decided by this common judgment.

3. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel for the parties. Though respondent No.2 in Writ Petition No.8172 of 2022 and respondent Nos.3 and 4 in Writ Petition No.1304 of 2024 are served, none appears for them.

4. Being aggrieved by the orders of the Scrutiny Committee invalidating the claim of the petitioners towards 'Mana Scheduled Tribe', the petitioners have filed these petitions for quashing and setting aside the orders of the Scrutiny Committee.

5. It is contended by the petitioners that they belonged to 'Mana' Scheduled Tribe. The petitioner in No.8173 of 2022 contended that her tribe claim for the first time was forwarded to the Scrutiny Committee for the purpose of verification on 20/07/2015. The Scrutiny Committee invalidated the claim of the petitioner vide order dated 15/09/2020 and the same was challenged in Writ Petition

No.3188 of 2020. This Court quashed and set aside the order dated 15/09/2020 by the judgment dated 12/01/2022 and remanded the proceedings to the Scrutiny Committee for fresh adjudication and was directed to take appropriate steps within stipulated time. The petitioner appeared before the Scrutiny Committee on the scheduled date. However, despite the stipulated period of four months from 01/02/2022, the Committee failed to adjudicate the petitioner's caste claim. Consequently, the petitioner was constrained to institute Contempt Petition No.268 of 2022. It is further contended by the petitioner that fresh vigilance enquiry came to be conducted. The petitioner submitted her reply dated 16/11/2022 to the fresh vigilance report. Vide order dated 23/11/2022, the Scrutiny Committee again invalidated the tribe claim of the petitioner on the ground of documentary evidence, affinity and area restriction.

6. It is submitted by the petitioner in Writ Petition No.8173/2022 that she completed her B.A.M.S. course in 2022 and her internship from 22.11.2022 to November 2023. However, the internship certificate has not been issued due to non-issuance of the validity certificate, and her original documents, including the college leaving certificate, have not been returned. Consequently, she could not fill the degree form or obtain her original degree. Though the

Maharashtra Council of Indian Medicine issued her a provisional registration certificate dated 23/12/2022 (valid till 20/11/2023), in the absence of the original documents and internship certificate, she is unable to apply for M.D. or secure permanent registration to commence medical practice.

7. The petitioner in Writ Petition No.1304 of 2024 submitted that the Sub-Divisional Officer, Yavatmal issued tribe certificate of Mana Scheduled Tribe to the petitioner. On 04/01/2017, the petitioner appointed as a Junior Engineer on the establishment of respondent Nos.2 and 3 from reservation quota of Scheduled Tribe. On 24/11/2023, the employer of the petitioner forwarded his proposal for verification of tribe claim to respondent No.2-Scrutiny Committee along with pre-constitutional documents indicating entries of Mana. After due consideration, the Scrutiny Committee vide order dated 02/02/2024 invalidated the tribe claim of the petitioner. Subsequent to the order passed by the Committee, the petitioner serving as Junior Engineer (Civil) with the Water Resource Department since 20/02/2023, was illegally terminated by order dated 16/10/2024, without notice, hearing, or due process of law and during the subsistence of the Model Code of Conduct. Though the order was received on 17/10/2024 and subsequently by post on

24/10/2024, the petitioner could not immediately seek legal recourse owing to his father's accidental injury and hospitalization from 18/10/2024 to 17/11/2024, which required his constant care and presence.

8. The petitioner in Writ Petition No.7845 of 2023 submitted that he submitted his tribe claim of Mana Scheduled Tribe to the Scrutiny Committee on 11/07/2018 with necessary documents including pre-constitutional documents. He has completed his B.Tech. (Mechanical Engineering) from Government College of Engineering, Yavatmal in the year 2022 and is preparing for competitive exams to secure a government job. Vide order dated 25/11/2022, the respondent-Scrutiny Committee invalidated the tribe claim of the petitioner.

9. In all these petitions, the learned counsel for the petitioners has invited our attention to two documents of pre-constitutional era i.e. birth extract dated 12/11/1933 indicating the birth of a son Ramkrushna to one Dhondya. In the said birth extract, word "Mana" has been written. The another document relied on by the petitioners is birth extract dated 19/09/1935, indicating birth of a son Tukaram to Kondba (Mana). The petitioners also submitted that the family tree establishes the relationship of the petitioners with Dhondya and

Tukaram. In spite of these documents indicating the entry of Mana, the Scrutiny Committee did not consider the same and incorrectly observed that the relationship with Tukaram was not established by the petitioners and invalidated the tribe claim of the petitioners by the impugned orders.

10. The learned counsel for the petitioners relied upon the following citations-

- (i) **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti v. State of Maharashtra and others, 2023 (2) Mh.L.J. 785,**
- (ii) **Gajanan s/o Pandurang Shende v. Head-master, Govt.Ashram School Dongargaon Salod and others, 2018 (2) Mh.L.J. 460.**
- (iii) **Umesh Jambhore v. STCC and others, 2022 (3) Mh.L.J. 31.**
- (iv) **Anand v. Committee for Scrutiny and Verification of Tribe Claims and others, 2011 (6) Mh.L.J. 919.**
- (v) **Priya Pramod Gajbe v. State of Maharashtra and others, SCC OnLine SC 909.**

11. *Per contra*, the respondent-Scrutiny Committee in Writ Petition No.8173 of 2022 submitted that as per the direction of this Court in Writ Petition No.3188 of 2020, the Scrutiny Committee conducted fresh vigilance enquiry and procured certain documents

which are adverse to the claim of the petitioner, which are as under:

- (i) Birth Extract dated 30/05/1947 of a male child namely Laxman born to Parasram and Zingaji Mani shows Mani entry.
- (ii) Birth Extract dated 07/02/1952 of a male child namely Uttam born to Vithoba and Zitru Mani, indicates Mana entry.
- (iii) Birth Extract of Male child namely Tukaram born to Kondba Manya – grandfather – Manya – 19/09/1935 Tukaram is written in different ink.
- (iv) Birth Extract of male child born to Zitaru and Bhiwa Mani – Mani – 10/10/1942.
- (v) Ferfar entries in Revenue Record indicating that Uncle of petitioner showing himself as non-tribal executed the sale deed in favour of Upendra Gagadhar Pardakhe, who is also non-tribal – 25/11/2003 and 22/12/2003.
- (vi) Birth Extract, Collector Office Yavatmal of a male child namely Ramkrushna born to Dhondya Kunbi – Great grandfather of Aniket Gajanan Mangre – Kunbi – 12/11/1933.
- (vii) Death Register – Bindai s/o Kondaba Kunbi death entry – great great grandfather of Aniket Gajanan Mangre – Kunbi – 09/05/1934.
- (viii) School Record of ZP Primary School Virkhed of Narmada Pandurang Mangre – cousin grandmother – Mani – 02/07.

12. The respondent-Scrutiny Committee submitted that except the document dated 19/09/1935, there is no other document available with the petitioner and nothing is placed on record, which proved that he belonged to Mana Scheduled Tribe. Another document dated 12/11/1933 indicating the entry Dhondya Mana and relied on by the petitioner in respect of which, the Vigilance Cell stated that the entry is shown as "*A male child Ramkrushna born to Dhondya Kunbi*". The respondent-Scrutiny Committee submitted that the petitioner did not possess any other document other than the aforesaid documents and the order passed by the Scrutiny Committee is just and reasonable.

13. The respondent-Scrutiny Committee contented that the documents submitted in the petitioner's proposal included entries from 1933, 1935, 1934, 1942, 1947, 1949, 1956, 1957 and 1959, which recorded the caste as Kunbi, Manya and Mani.

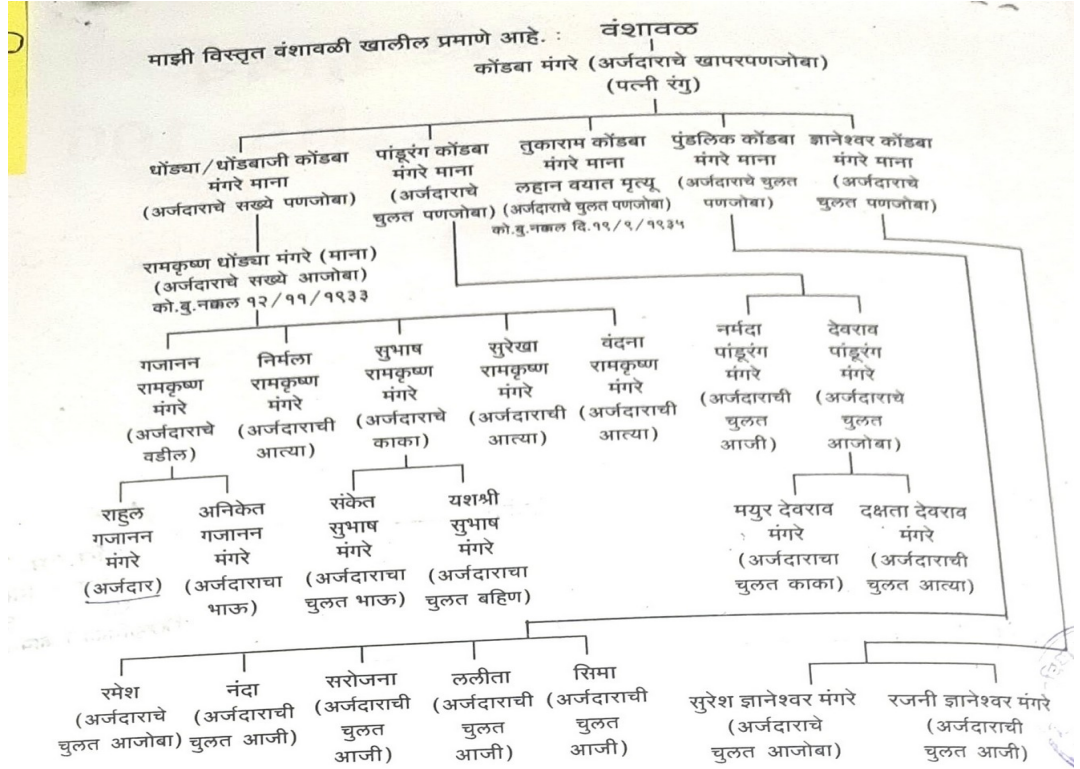
14. In the vigilance enquiry of brother of petitioner Aniket Mangre, the birth extract of village Virkhed dated 19/09/1935 recorded the caste Manya, however, the said word is not clear and in child column word Tukaram is written in different ink and the same is overwritten. The adverse entries of Mani of the years 1942, 1947 and

1949 were obtained by the vigilance officers during the enquiry of brother of petitioner Aniket Mangre and cousin Aunt of petitioner Ku.Dakshata Devrao Mangre. The Committee therefore discarded the said documents, submitted by the petitioner in view of contradictory material procured by the Vigilance Cell. After granting due opportunity of hearing, the Committee invalidated the petitioners' claim by the impugned orders. The respondents submit that the impugned order is just, proper, and requires no interference.

15. Heard learned Counsel for the respective parties, perused the record and proceedings of the Caste Scrutiny Committee produced by the learned Addl. GP and also considered the citations relied on by the petitioners.

16. The petitioners are relying on two documents. The first document is the birth extract register dated 12/11/1933 wherein Dhondya (Mana) is shown to have given birth to Ramkrushna. If the family tree is perused, Ramkrushna is shown as the son of Dhondya (Mana). As such, there is no question to doubt this document of 1933. The second document is also the birth extract register dated 19/09/1935 wherein Kondba (Mana) is shown to have given birth to Tukaram. If the family tree (Page 26) is perused, Tukaram is shown as the son of Kondba (Mana). The legal heirs of Kondba (Mana)

shown in the family tree produced by the petitioners are matching with the family tree prepared by the Vigilance Cell.



17. The petitioner was served with the notice on 09/03/2020 to submit the explanation, as there were entries of 'Mani' in respect of the petitioner's relatives. The documents which were procured by the Vigilance Cell are subsequent to the cut off date. Insofar as the document dated 19/09/1935 which was verified by the Vigilance Cell is concerned, in the remark column, the tribe of Kondba is mentioned as 'मान्य', so also 'Tukaram' word is written in different ink. However, on perusal of the certified copy issued by the Tahsil Office, the entry is

shown as Kondba (Mana) and there is no dispute that he gave birth to son namely Tukaram. Therefore, there was no reason to discard this document. Insofar as the document of 1933 in respect of Dhondya (Mana) is concerned, the Scrutiny Committee has not discussed this document at all. 1933 is the oldest document showing Dhondya as Mana. Therefore, his legal heirs cannot be of any different tribe.

18. The petitioner filed reply to the Vigilance Cell and relied on the judgment in the case of **Gitesh Ghormare vs. STCS, Committee & others, 2018 (4) Mh.L.J. 933** wherein it is held that if there are number of documents containing different kinds of entries of caste/tribe like 'Mana', 'Mane', 'Mani', 'Mana Kunbi', 'Kshatriya Mana', 'Khand Mana', 'Maratha Mana' and so on, the duty of the Court will be to ascertain the dominant entries having greater probative value and record a specific finding of conclusive nature as to whether entries can be construed as 'Mana' Scheduled Tribe, which is an entry in the cluster of tribes at Serial No.18 in the Constitution (Scheduled Tribes) Order. Merely because certain documents indicate entry of caste/tribe other than 'Mana' is not enough to reject the claim. The tribe 'Mani' is misnomer of tribe 'Mana'. There is no caste/tribe known as 'Mani' which is included in other categories like OBC, NT, Special Backward Class etc.

19. The petitioners in Writ Petition Nos.8173/2022, 1304/2024 and 7845/2023 are in relation to one another. The same can be seen from the family tree produced in Writ Petition No. 1304/2024 produced along with the affidavit. There is no discussion at all on the document of 1933 produced by the petitioner and the document of 1935 is discarded on erroneous grounds. In 1935 entry, the tribe is mentioned as Manya and Tukaram is written in different ink. However, the certified copy issued by the Tahsil office shows that it is Kondba (Mana). On perusal of the family tree produced in Writ Petition No. 1304/2024, which is a detailed one, there is neither mention of names 'Zitru' or 'Bhiva'. Therefore, the entry of 10/10/1942 is not of the persons in relation to the petitioners. The Scrutiny Committee also recorded the entry of one Shyamrao S/o Vithoba at Serial No. 6. The documents procured by the Vigilance Cell at Serial Nos. 1, 2, 3, 6, 7 & 8 are shown as Samaj Bandhav (community brothers). There is no consideration for the relation apart from what is shown in the family tree. The term 'Samaj Bandhav' does not specify blood relation of the persons with the petitioners. Therefore, it appears that all attempts are made to reject the validity of the petitioners for no reason. As such, the oldest entries of 1933 and 1935 are having more probative value, and therefore, those

ought to have been relied on instead of the documents in respect of the persons who are not the blood relatives of the petitioners.

20. The learned counsel for the petitioners placed reliance on the judgment in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra & others** (*supra*), wherein Hon'ble Apex Court held as under:

“19. Sub-rule (2) of Rule 12 clearly provides that only if the Scrutiny Committee is not satisfied with the documentary evidence produced by the applicant, it shall forward the application to the Vigilance Cell for conducting the school, home and other enquiry. Therefore, in every case, as a matter of routine, the Scrutiny Committee cannot mechanically forward the application to Vigilance Cell for conducting an enquiry. When sub-rule (2) of Rule 12 contemplates that only if the Scrutiny Committee is not satisfied with the documents produced by the applicant that the case should be referred to Vigilance Cell, it follows that the Scrutiny Committee is required to pass an order recording brief reasons why it is not satisfied with the documents produced by the applicant. Before referring the case to the Vigilance Cell, application of mind to the material produced by the applicant is required and therefore, the application of mind must be reflected in the order sheets of the Scrutiny Committee.

20. It is not possible to exhaustively lay down in which cases the Scrutiny Committee must refer the case to Vigilance Cell. One of the tests is as laid down in the case of *Kumari Madhuri Patil*. It lays down that the documents of the pre-Constitution period showing the caste of the applicant and their ancestors have got the highest probative value. For example, if an applicant is able to produce authentic and genuine documents of the pre-Constitution period showing that he belongs to a tribal community, there is no reason to discard his claim as prior to 1950, there were no reservations

provided to the Tribes included in the ST order. In such a case, a reference to Vigilance Cell is not warranted at all.”

“36. 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. The learned counsel for the petitioners also placed reliance on **Gajanan s/o Pandurang Shende v. Head-master, Govt.Ashram School and others** (*supra*), wherein this Court relying on the judgment of Hon’ble Apex Court in E.V.Chinnaiah’s case held as under:

“17. Apart from the challenge to competency of the State Legislature to tinker with the Presidential Scheduled Castes Order, a challenge was also considered in E.V. Chinnaiah's case that the said enactment creates classification or micro-classification of the Scheduled Castes violating Article 14 of the Constitution of India. While deciding the question before

it, the Apex Court has laid down the principles of law, which are summed up as under:

"(A) There can be only one List of Scheduled Castes in regard to a State and it includes all specified castes, races or tribes or part or groups notified in that Presidential List. [Para 14]

(B) Any inclusion or exclusion from the said list can only be done by an Act by the Parliament, under Article 341(2) of the Constitution of India. [Para 14]

(C) That except for a limited purpose of making exclusion or inclusion in the List by an Act of Parliament there is no provision in the entire constitution either to sub-divide, sub-classify or sub-group these castes which are found in the Presidential List of Scheduled Castes. [Para 14]

(D) Any executive action or legislative enactment which interferes, disturbs, re-arranges, regroups, reclassifies the various castes found in the Presidential List will be violative of the scheme of constitution and will be violative of Article 341 of the Constitution. [Para 21]

(E) The Castes once included in the Presidential List, form a class by themselves. Any division of these classes of persons based on any consideration would amount to tinkering with Presidential List. [Para 28]

(F) The conglomeration of castes given in Presidential Order, should be considered as representing a class as a whole. If a class within a class of members of the Scheduled Castes is created, the same would amount to tinkering with the List. Such sub-classification would be violative of Article 14 of the Constitution of India. [Para 43]"

22. The learned counsel for the petitioner also placed reliance on **Umesh Jambhore v. STCC and others** (*supra*), wherein this Court held in paras-12 and 15 as under:

“12. As there was no concept of recognizing Scheduled Tribes for the purposes of giving benefits and concession prior to 1950, therefore, there is no question of raising any doubt while appreciating the probative value of document of the year 1917, wherein the caste of the great grandfather of the petitioner is shown as 'Mana'.”

“15. So far as application of affinity test, by the Scrutiny Committee is concerned, in view of Anand (supra) it is not justified. Affinity test may be used to corroborate the documentary evidence and not to be used as a sole criteria to reject the claim. It is observed by the Hon'ble Apex Court that, 'a few decades ago, when the tribes were somewhat immune to the cultural development happening around them, the affinity test could serve as a determinative factor. However, with the migrations, modernisation and contact with other communities, these communities tend to develop and adopt new traits which may not essentially match with the traditional characteristics of the tribe. Hence, affinity test may not be regarded as a litmus test for establishing the link of the applicant with a Scheduled Tribe'.”

23. The learned counsel for the petitioners placed reliance on **Priya Pramod Gajbe v. State of Maharashtra and others** (supra), wherein Hon'ble Apex Court held that “*if an applicant is able to produce authentic and genuine documents of the pre-Constitution period showing that he belongs to a tribal community, there is no reason to discard his or her claim as prior to 1950, there were no reservations provided to the Tribes included in the ST order.*” The Hon'ble Apex Court also held that affinity test cannot be applied as a litmus test. Relying on the judgment of **Anand v. Committee for Scrutiny and Verification of Tribe Claims**, (supra) it is held in para-12

as under :

“12. Insofar as Affinity Test is concerned, this Court, in the case of *Anand v. Committee for Scrutiny and Verification of Tribe Claims*, has observed thus:

"22. It is manifest from the aforeextracted paragraph that the genuineness of a caste claim has to be considered not only on a thorough examination of the documents submitted in support of the claim but also on the affinity test, which would include the anthropological and ethnological traits, etc., of the applicant. However, it is neither feasible nor desirable to lay down an absolute rule, which could be applied mechanically to examine a caste claim. Nevertheless, we feel that the following broad parameters could be kept in view while dealing with a caste claim:

(i) While dealing with documentary evidence, greater reliance may be placed on pre-Independence documents because they furnish a higher degree of probative value to the declaration of status of a caste, as compared to post-Independence documents. In case the applicant is the first generation ever to attend school, the availability of any documentary evidence becomes difficult, but that ipso facto does not call for the rejection of his claim. In fact, the mere fact that he is the first generation ever to attend school, some benefit of doubt in favour of the applicant may be given. Needless to add that in the event of a doubt on the credibility of a document, Its veracity has to be tested on the basis of oral evidence, for which an opportunity has to be afforded to the applicant.

(ii) While applying the affinity test, which focuses on the ethnological connections with the Scheduled Tribe, a cautious approach has to be adopted. A few decades ago, when the tribes were somewhat immune to the cultural development happening around them, the

affinity test could serve as a determinative factor. However, with the migrations, modernisation and contact with other communities, these communities tend to develop and adopt new traits which may not essentially match with the traditional characteristics of the tribe. Hence, the affinity test may not be regarded as a litmus test for establishing the link of the applicant with a Scheduled Tribe. Nevertheless, the claim by an applicant that he is a part of a Scheduled Tribe and is entitled to the benefit extended to that tribe, cannot per se be disregarded on the ground that his present traits do not match his tribe's peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies, etc. Thus, the affinity test may be used to corroborate the documentary evidence and should not be the sole criteria to reject a claim."

So far as area restriction is concerned, the Hon'ble Apex court held in para-16 as under:

"16. Insofar as the contention with regard to area restriction is concerned, it could be seen that Mana Tribe is found at Entry No. 18 in the Presidential Order with respect to the Scheduled Castes and Scheduled Tribes for the State of Maharashtra. It could be seen that in the said entries, there is no area restriction with regard to any of the tribes mentioned therein. Per contra, in some of the entries, restriction is imposed with regard to certain districts. As such, the findings of the High Court with regard to area restrictions also, in our view, is not sustainable in law. We find that the order of the Scrutiny Committee as well as of the High Court need to be interfered with and quashed and set aside on this short ground alone."

24. In the present matter as discussed earlier, there were old documents of 1933 and 1935, which were duly verified by the Vigilance Cell, but the Scrutiny Committee discarded the document of 1935 on erroneous ground that the entry was recorded as 'Manya', however, on perusal of the certified copy of document, it appears that it was shown as 'Mana'. Moreover, the entry in the document of 1933 is not at all discussed by the Scrutiny Committee and wrongly and erroneously invalidated the caste claim of the petitioners. On the contrary, the Scrutiny Committee has taken into consideration the persons, who are not blood relatives, mentioning them as community brother, which is not permissible. As such, the orders passed by the Scrutiny Committee are erroneous, perverse, contrary to the dictum of the judgment of Hon'ble Apex Court and this Court, which are liable to be quashed and set aside.

25. Before parting, we would like to note here that in Writ Petition No. 1304 of 2024, the petitioner was in service as a Junior Engineer on the establishment of respondent Nos.3 and 4 from the quota of Scheduled Tribe. As soon as the caste claim of the petitioner was invalidated by the respondent No.1, his services immediately terminated without granting him any opportunity and without considering the pending petition, the order was passed by the

respondent-Scrutiny Committee. The petitioner by way of amendment, placed on record termination order. His services came to be terminated vide order dated 16/10/2024, which was communicated to him vide order dated 17/10/2024. Only ground for termination was invalidation of caste claim of the petitioner. There was no opportunity granted to the petitioner and order came to be passed. In fact, the present petition was pending challenging the order of Caste Scrutiny Committee, which was filed on 17/02/2024. As such, termination order and all consequential orders are required to be quashed and set aside. The petitioner is required to be reinstated in his original post with continuity of service. However, the period from the date of termination till the date of reinstatement, the petitioner will not be entitled for arrears. Accordingly, we pass the following order.

26. The writ petitions are allowed.

27. The impugned order in Writ Petition No.8173/2022 dated 23/11/2022 passed in Case No.5-ST/2015/14437, the impugned order in Writ Petition No.1304/2024 dated 02/02/2024 passed in Case No.11/510/Ser/112023/47466 and the impugned order in Writ Petition No.7845/2023 dated 25/11/2022 passed in Case No.5/510/Edu/072018/113267, passed by the Scheduled Tribe Caste

Certificate Scrutiny Committee, Yavatmal are hereby quashed and set aside.

28. It is declared that the petitioners have duly established that they belong to 'Mana' Scheduled Tribe.

29. The Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal is directed to issue caste validity certificates to the petitioners (i) Dakshata D/o Devrao Mangare, (ii) Mr. Rahul S/o Gajanan Mangare and (iii) Mr. Aniket S/o Gajanan Mangare that they belong to 'Mana Scheduled Tribe' within a period of three weeks.

30. In Writ Petition No.1304/2024, the impugned order dated 16/10/2024 and communication dated 17/10/2024 are hereby quashed and set aside.

31. In Writ Petition No.1304/2024, the respondent Nos.3 and 4 are directed to reinstate the petitioner on his original post with continuity of service. However, it is made clear that the petitioner is not entitled for arrears for the period from the date of termination till the date of reinstatement. This compliance shall be made by the respondent Nos.3 and 4 within a period of three weeks from passing of this order.

32. In Writ Petition No.1304/2024, the petitioner to appear before the respondent Nos.3 and 4 on 06/10/2024.

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

(RAJ D. WAKODE, J)

(SMT.M. S. JAWALKAR, J)