



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

WRIT PETITION NO. 5321 OF 2024

PETITIONER :

1. Ku. Prachita Dhanraj Gharat, Age about 20, Occupation : Student, (Aspirant to admission for Medical Course) Near Hanuman Mandir, At Post : Girad, Tah. Samudrapur, Dist. Wardha.
Mob. No.9767716131
eMail – prachitagharat7@gmail.com
2. Ku. Mamta Dhanraj Gharat, Age about 18, Occupation : Student Pursuing B.Sc., Near Hanuman Mandir, At Post : Girad, Tah. Samudrapur, Dist. Wardha.
Mob. No.9021634917
eMail – gharatmamta7@gmail.com

-Versus-

RESPONDENT :

The Scheduled Tribe Certificate Scrutiny Committee, Nagpur, Through its Member Secretary, Giripeth, Nagpur-440 010.
Email: tcscnagpur@gmail.com

Mr.N.D.Jambhule & Mr.S.P.Khare, Advocates for the petitioners
Mr. A.S.Fulzele, Addl.GP for the respondent-State.

**CORAM: SMT. M. S. JAWALKAR &
PRAVIN S. PATIL, JJ.**

**CLOSED ON : 19TH JUNE, 2025
PRONOUNCED ON : 24TH JUNE, 2025**

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

Heard the learned counsel for the parties.

2. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.

3. The present petition challenges the common impugned order dated 16/08/2024, passed by the respondent-Scrutiny Committee, thereby invalidating their caste claim as “Mana Scheduled Tribe”.

4. The petitioners are from agriculturist family. The petitioner No.1 is pursuing her education and desires to take admission in MBBS Course, since she cleared NEET Examination with 365 marks. The petitioners claim that the Committee discharged 1935 Mana Record, which is related to the petitioners’ family. Committee also disbelieves 1951 Mana entry in the school record in respect of Bapurao Shravan, who is cousin grandfather of the petitioner. The petitioners state that Mani entries of the years 1957, 1961, 1964 and 1965 are determining entries, but the Committee recorded a finding that persons with mixed records such as Mane, Mani and Mana are non-scheduled tribes and the same is against law to treat the Mani entry as Mana.

5. The petitioners further aver that the Committee believes that real Mana scheduled tribe does not exist. The petitioners aver that the

judgment in *Mana Admi Jamat Mandal v. State of Maharashtra, 2003 (3) Mh.L.J. 513* of this Court, having reached finality, holds the field as far as Mana matters are concerned and after referring various Apex Court judgments, principle of law is laid down that one who is known in the society as a member of Mana Community, he/she cannot be denied the status of scheduled tribe. In this view of the matter, the petitioner aver that every lower authority including Scrutiny Committee are bound to follow the judgment and cannot take contrary view for whatsoever reason. Thereafter, before the Scrutiny Committee the petitioners refer the decision reported in *Mana Admi Jamat Mandal v. State of Maharashtra* (supra), which held that the entry Mana of the Scheduled Tribe Order, 1976 on plain reading shows that Mana Community is declared as Scheduled Tribe Community throughout the Maharashtra by the enactment passed by the Parliament. Therefore, the action of the State classifying the caste of the petitioners as “Non-Scheduled Tribe Mana Community” or “SBC Community” is held illegal without authority.

6. The petitioners aver in the petition that the birth record of the year 1935 (Kotwal Book) pertains to village Girad, which mentioned the father’s name as “Shravan Mana” and female child’s name as “Mani”. According to the petitioners, daughter of Shravan

namely Chindhabai bear the name “Mani” before naming ceremony. The petitioners further state that the Vigilance Cell took a stand by relying upon the statement of cousin grandfather “Chindhuji Narayan, aged 78 years that “Chindhabai” was never known as “Mani” and similar was the statement of Indubai, aged 73 years, who is the daughter of Chindhabai. According to the petitioners, as per school record, Indubai was born in 1957, which shows that her mother Chindhabai must have been naturally born not after 1939. According to the petitioners, Indubai and Chindhuji Narayan put their thumb impression on the statement and nobody witnessed the said statement. The petitioners aver that the Committee could not reject the birth record of 1935 as not related to the petitioners. The petitioner state that due to the arbitrary and perverse decision of the Committee, the educational career of the petitioners is in danger and they will be deprived of constitutional benefits meant for scheduled tribes. Hence, the petitioners prayed for quashing and setting aside the common impugned order passed by the respondent-Committee.

7. The learned counsel for the petitioners relied upon the judgments in

(1) State of Maharashtra and another v. Keshao Vishwanath Sonone and others and connected matters, (2021) 30 SCC 336,

(2) Sakshi d/o Shrikant Katkar v. The Vice-Chairman/Member Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee and others (Writ Petition No.8392 of 2022, decided on 30/082024),

(3) Priya Pramod Gajbe v. State of Maharashtra and others, 2023 (10) SCALE 426 and

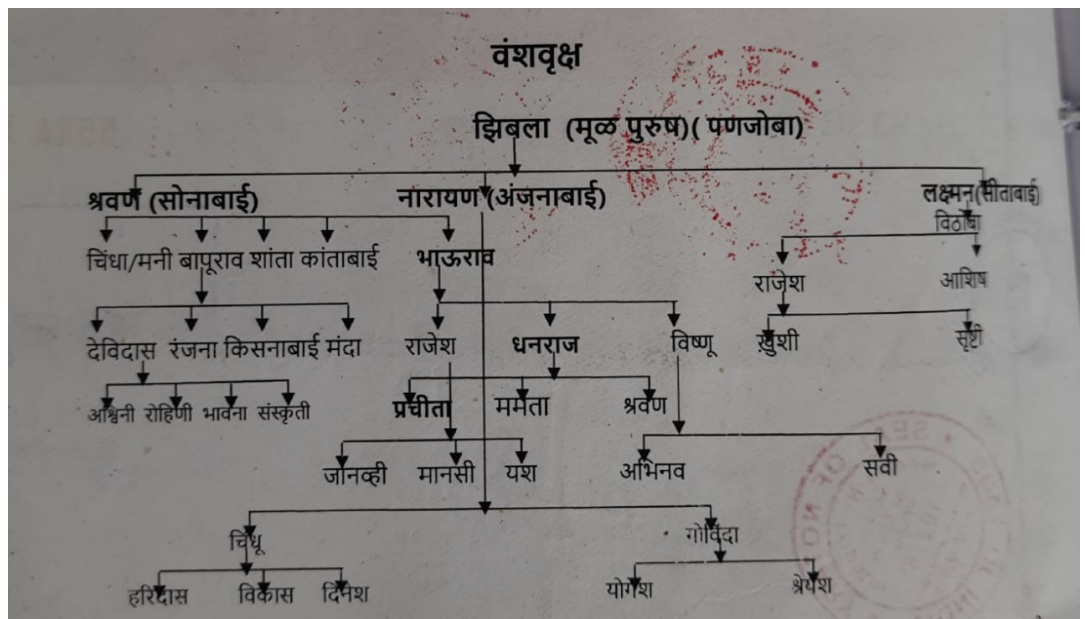
(4) State of Maharashtra and others v. Mana Adim Jamat Mandal, (2006) 4 SCC 98.

8. The respondent-Scrutiny Committee filed a reply and state that the common impugned order is just and reasonable and no interference is required at the hands of this Court. The respondent submits that in the Vigilance Report, the caste of the petitioners' ancestors is found to be recorded as "Mani" in the documents of the years 1957, 1964, 1961 and 1965 and therefore, it proves that the petitioners are the non-tribal persons and are not belonging to the Mana Tribe. It also states that the claim of the petitioners was found socio-cultural affinity and was found unfit for consideration as Mana Scheduled Tribe. The respondent prays for rejecting the claim of the petitioners.

9. Heard both the parties at length. Perused the impugned order, record and proceedings of the Caste Scrutiny Committee, which was produced by the learned Additional Government Pleader before

the Court.

10. The petitioners filed applications for verification of their caste tribe as Mana Scheduled Tribe. The caste certificate of Prachita Dhanraj Gharat (petitioner No.1) has been referred by the Principal, Hislop College, Nagpur for verification and the caste certificate of Ku.Mamta Dhanraj Gharat (petitioner No.2) has been referred by the Principal, Science College, Congress Nagar, Nagpur for verification of her tribe claim as Mana Scheduled Tribe to the respondent-Committee. The certificates were forwarded to the Vigilance Cell for detailed enquiry. It is submitted by the petitioners before the Caste Scrutiny Committee that there is no validity certificate in their family. The petitioners had filed genealogy as well as various documents on record as follows:



The father of the petitioners submitted the above genealogy along with affidavit dated 05/10/2023. It is observed by the Caste Scrutiny Committee that the father of the petitioners manipulated the genealogy and deliberately inserted 'Mani' as other name of Chindhabai. The genealogy submitted by the grandfather during enquiry shows the name of Chindhabai as daughter of Shravan. However, there is no other name as 'Mani'. The petitioners placed on record the documents prior to cut-off date i.e. (1) School record of Zilla Parishad Primary School Girad, Tahsil Samudrapur, District Wardha, (2) Parents Declaration, Zilla Parishad Primary School Girad, Tahsil Samudrapur, District Wardha and (3) Birth record extract, Village Girad, Tahsil Samudrapur, District Wardha.

11. There are other documents also placed on record by the petitioners. However, for deciding the claim of Mana, more weightage ought to have been given to the documents, which are produced prior to cut-off date, wherein the petitioners' forefather shows their caste as 'Mana'. While deciding the claim of the petitioners, the Caste Scrutiny Committee discarded the document of school admit/cancel register in respect of Bapurao S/o Shravan Gharat, who is cousin grandfather of the petitioners. As per extract of school admit/cancel register, the caste of Bapurao Shravan Gharat shown as "Mana". The Vigilance Cell

also mentioned this fact in their remark in para-3 of the report dated 20/07/2023. So far as the document in respect of Bapurao Shravan Gharat, there is extract of school admit/cancel register in which the caste of Bapurao Shravan Gharat shown as 'Mana' and admitted in the school on 05/04/1951 and his date of birth shown as 07/02/1940. It appears from the record of the Caste Scrutiny Committee that his date of birth was 07/02/1940. The Caste Scrutiny Committee reproduced in order itself the scan copy of extract of the school and its register. The Caste Scrutiny Committee also reproduced scan copy of declaration of the parents at the time of admission. These documents discarded by the Caste Scrutiny Committee on the ground that in parents declaration Bapurao's father Shravan Zibla Gharat not mentioned the caste of Bapurao, it means, Headmaster by its own mentioned the caste of Bapurao as 'Mana' in the school record and it is held that this unauthentic Mana caste entry in the school record of Bapurao not became conclusive evidence, as it is not true evidence, hence, rejected. It is very surprising that such findings are recorded by the Caste Scrutiny Committee, specifically when the declaration shows that there is a thumb impression of Shravan Gharat, that means the information written in the declaration is written by somebody else as per the instructions of Shravan Gharat. On perusal of the printed form

of declaration, there is no column wherein caste of the petitioners or declarant is to be mentioned. As such, rejection of this document is the patent illegality and non-application of mind on the part of the Caste Scrutiny Committee.

12. In the affidavit of Bhaurao Shravan Gharat, his caste is shown as 'Mani'. So far as document in respect of Kusum Shravan Gharat, i.e. extract of school admit/cancel register shows that she belonged to "Mana", she was admitted in the school on 02/07/1961 and her date of birth was shown as 10/03/1953. The petitioners placed on record birth extract of village Girad, Tahsil Samudrapur, District Wardha, wherein the name of female child born to Shravan Mana is mentioned as 'Mani' and the said document is of the year 1935. At the time of recording of statement of Smt.Indubai Nilkanth Barekar, who is the daughter of Chindhabai, she states that she is 73 years old and her mother's name was Chindhabai and she was not called by the name "Mani". This document is discarded by the Caste Scrutiny Committee on the ground that her name was entered as Mani though she has shown as born to Shravan Mana. The statement of said Indubai is recorded in May, 2024. At that time she told her age as 73 that means her date of birth must be of the year 1951. The mother of Indubai namely Chindhabai born subsequent to Bapurao, who is the

brother of Chindhabai. The date of birth of Bapurao is 07/02/1940. If at all such is the situation, the birth of Chindhabai ought to have after the year 1940. Admittedly, the entry in respect of a girl child born to Shravan Mana is from the extract of birth record of village Girad, Tahsil Samudrapur, District Wardha. As per enquiry report itself, it can be seen that Zibla was resident of Tadgaon, however, not having any immovable property there, after the death of Zibla, it is reported that Shravan settled at Girad and Narayan settled at Mohgaon. In view of that the document of 1935 cannot be said that it was not in respect of Chindhabai. While entering the details in birth record, possibility of recording nickname cannot be ruled out, because on the date of registration of birth date one does not know when the naming ceremony would be performed. It needs to be noted that birth extract of village Girad, Tahsil Samudrapur, District Wardha shows Shravan Mana was residing and for the sake of mentioning the name of girl child 'Mani' may have written as nickname. However, statements recorded by the Vigilance Cell is having no substance. In view of the calculations of age of Indubai and as per the statement of Bhaurao, Chindhabi born after Bapurao Gharat, is contrary to the record placed by the petitioners. Even if this document of Mani at Sr.No.15 is kept aside, the Caste Scrutiny Committee for no reason discarded the

document pertaining to Bapurao Shravan Gharat, wherein the date of admission is shown as 05/04/1951 and the date of birth is 07/02/1940. Expecting from an illiterate person to mention the caste in declaration, specifically there is no column of caste in the form of declaration, it is illogical on the part of the Scrutiny Committee. It is also admitted fact that there is no caste by name Mani as held in *Priya Pramod Gajbe* (*supra*).

13. So far as document in respect of Kusum Shravan Gharat, her caste is shown as Mana, date of birth is shown as 10/03/1953 and her admission in school shown as 02/07/1961. When the said document was rejected by the Caste Scrutiny Committee on the ground that on parents' declaration, in school record, it is clear that the caste of the petitioners' grandmother Kusum is Mani, which proves that her original caste is Mani and not Mana. Already one document in respect of Bapurao Shravan Gharat as discussed above, is erroneously discarded by the Caste Scrutiny Committee. In fact, the record shows that the caste of Bapurao Shravan Gharat is shown as "Mana" and date of birth of Bapurao is shown as 07/02/1940. As per extract of school admit/cancel register Kusum Shravan Gharat belonged to Mana Scheduled Tribe. However, in declaration, it appears that somebody has written as Mani. It is the contention of the Caste Scrutiny

Committee that original 'Mani' entry is manipulated as 'Mana'. On perusal of the extract of school admit/cancel register, there is no overwriting and it is old record verified by the Vigilance Cell. So far as affidavit dated 02/07/1961 in respect of Shravan Gharat is concerned, there is thumb impression of Shravan Gharat. The information in the affidavit is written by somebody else. In fact, manipulation appears in the declaration/affidavit of Shravan Gharat, there is overwriting in the place of Mana. If at all anybody contended to seek benefit of caste 'Mana', he would not have mentioned his caste as 'Mani'. The observation of the Caste Scrutiny Committee that original 'Mani' entry manipulated as 'Mana' is having no basis and no substance. Moreover, as discussed earlier, there is no separate caste 'Mani' in existence or listed anywhere. When the school record of Bapurao Shravan Gharat of the year 1951 shows the caste of Shravan as "Mana", the entry of "Mani" in subsequent documents have no relevance. His caste cannot be changed to Mani as per entry in subsequent documents. While discarding the document of Kusum, the Caste Scrutiny Committee conveniently did not extract school admit/cancel register, which is clearly showing caste of Kusum Shravan Gharat as "Mana".

14. There are subsequent documents of the years 1977, 1985 and 1986 in respect of sons of Bhaurao Gharat, wherein the caste is

shown as “Mana”. As mentioned in the judgment of Hon’ble Apex Court, the old entries are having more probative value than the subsequent documents. There are four documents of “Mana” prior to 1956 on record. However, as discussed above, the Caste Scrutiny Committee for no reason discarded the same. The Caste Scrutiny Committee on its own cannot draw inference without there being any substance, since the documents i.e. school admit/cancel register and declaration are in the custody of the school. Therefore, there is no question of any manipulation as held by the Caste Scrutiny Committee in respect of Kusum Shravan Gharat.

15. The learned counsel for the petitioners relied on the judgment of *State of Maharashtra and anr. Keshao Vishwanath Sonone and anr. (supra)* in respect of contention that even Hon’ble Supreme Court placed reliance on the book “The Tribe and Caste of Central Provinces of India”, published by Anthropological Survey of India, People of India, National Series Volume III on Scheduled Tribes, written by Russel and Hiralal. The learned counsel for the petitioners also placed reliance on *Sakshi Katkar (supra)*, wherein this Court relied on the judgment in *Priya Gajbe (supra)*, wherein it has observed that “entry ‘Mani’ has to be read as ‘Mana’ Scheduled Tribe”. It was held that the documents of ancestors of Sakshi Katkar placed on

record shows that her caste is Mana/Mani. The said documents were prior to 1949, they have considered as having more probative value than the subsequent documents.

16. In the judgment of ***Priya Gajbe*** (*supra*), the decision in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti v. State of Maharashtra and others, (2023) SCC OnLine SC 326** was relied, wherein it is held that “*once the pre-constitutional documents established that the appellant belongs to ‘Mana’ Scheduled Tribe, further reference to the Vigilance Cell itself was not necessary*”. It is further held that “*the Affinity Test cannot be applied as a litmus test*”. The Hon’ble Supreme Court in ***Priya Gajbe’s*** judgment observed that there is no caste name as “Mani”. It is thus possible that there could be some mistake when the caste was written. Therefore, if there are certain documents that show caste ‘Mana’ and some documents ‘Mani’, would be some mistake while writing the caste. This Court in ***Priya Gajbe’s*** case also relied upon the judgment of Hon’ble Supreme Court in ***Anand .v. Committee for Scrutiny and Verification of Tribe Claims and others, (2012) 1 SCC 113*** specifically quoted para 22, which is reproduced as under:

“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, 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 tribes' 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.”

17. It has been held that the affinity test cannot be applied as a litmus test as the family stayed in bigger urban areas along with his family for decades, the applicant may not have knowledge of the custom and trade of his caste. In the Presidential Order Mana Tribe is found at Entry No.18. However, there is no area restriction with regard to any of the tribe mentioned therein.

18. Considering the material placed on record by the petitioners in support of their caste claim, the caste of the ancestors is shown as “Mana” before the cut-off date. If at all, the relatives of the petitioners desire to seek benefit of caste Mana by manipulating the entries, there would not have been any entry of “Mani” after 1956. This aspect is not at all considered by the Caste Scrutiny Committee. “Mani” may be the phonetic variation of word “Mana”. As such, there is no caste by name ‘Mani’. The old documents in respect of Bapurao Shravan Gharat prior to cut-off date are placed on record, which were erroneously discarded by the Scrutiny Committee. In view of the law laid down by the Hon’ble Apex Court in various cases, the pre-constitutional documents or documents prior to cut-off date have more probative value than the subsequent documents as well as in view of the ratio laid down in *Priya Gajbe’s* case, the petitioners are entitled to validity certificate. The findings of the Scrutiny Committee are contrary to the

material on record and the settled principles of law. As such, the impugned order is liable to be quashed and set aside.

19. In view of the above discussion, we deem it appropriate to allow the present petition. Accordingly, we pass the following order.

ORDER

- (i) The writ petition is allowed.
- (ii) The impugned common order dated 16/08/2024, passed by the respondent-Scheduled Tribe Certificate Scrutiny Committee, Nagpur is hereby quashed and set aside.
- (iii) It is hereby declared that petitioner No.1-Ku. Prachita Dhanraj Gharat and petitioner No.2-Ku. Mamta Dhanraj Gharat belong to "Mana Scheduled Tribe". The respondent-Scheduled Tribe Certificate Scrutiny Committee, Nagpur is directed to issue validity certificate in favour of above petitioner Nos.1 and 2 within three weeks from the date of production of copy of this judgment.
- (iv) The petitioner Nos.1 and 2 can rely on this judgment for their admission, if at all necessary before issuance of caste validity certificate by the respondent-Scheduled Tribe Certificate Scrutiny Committee, Nagpur .

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

21. In view of disposal of the writ petition, the pending application, if any, stands disposed of.

(PRAVIN S. PATIL, J)

(SMT.M. S. JAWALKAR, J)