



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

WRIT PETITION NO.5399/2024

Anuj S/o Ravikant Kathe,
aged about 18 years,
Occupation : First Year B.Tech student
in Government College of Engineering,
Nagpur, R/o. Plot No. 118-119, Anmol
Nagar, Vathoda Ring Road, Nagpur
440034.

... **PETITIONER**

...**VERSUS**...

1. The Scheduled Tribes Caste
Certificate Scrutiny Committee,
through its Member Secretary,
Giripeth, Nagpur.
2. State Common Entrance Test Cell,
Government of Maharashtra,
through its Commissioner, 8th Floor,
Excelsior Building, A.K.Naidu Marg,
Fort, Mumbai-400001.
3. Government College of Engineering,
Nagpur, through its Principal,
Khapri, Nagpur.

...**RESPONDENTS**

Shri R.S. Parsodkar, Advocate for petitioner
Shri P. P. Pendke, AGP for respondent No.1/State
Shri N.A. Gaikwad, Advocate for respondent No.2

CORAM : SMT. M. S. JAWALKAR, AND
PRAVIN S. PATIL, JJ.

DATE OF RESERVING JUDGMENT : 06.08.2025

DATE OF PRONOUNCING JUDGMENT: 03.09.2025

JUDGMENT (PER : SMT. M. S. JAWALKAR, J.)

Heard. **Rule.** Rule made returnable forthwith. Heard finally with the consent of parties.

2. The present petition is filed by the petitioner seeking direction for quashing and setting aside the impugned order dated 06/09/2024, passed by respondent No.1- Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur in respect of claim of Petitioner. The petitioner further seeks declaration that he belongs to “Mana” Scheduled Tribe and further direction to the respondent No.1 for issuance of caste validity certificate to the petitioner.

3. The Petitioner belongs to “Mana” Scheduled Tribe and the Petitioner was conferred with the Caste Certificate of “Mana” Scheduled Tribe by the Sub Divisional Officer, Katol. The great grandfather of the Petitioner Shri Ganpati S/o Fakira Mana is also recorded as “Mana” Scheduled Tribe, when great grandfather is blessed with son, in the entry of birth register in

Kotwal Panji. The Petitioner filed a Writ Petition No.4227 of 2024 seeking directions to the Scrutiny Committee, as he passed State Common Entrance Test and required caste validity certificate for admission. This Court vide order dated 19/07/2024, disposed of the petition by directing the Caste Scrutiny Committee to decide the claim of the petitioner within six weeks.

4. After the directions of this Court, the Police Vigilance Cell has conducted enquiry and submitted its Report. The Caste Scrutiny Committee submitted second vigilance report within a span of 2 days of the first vigilance report. Petitioner submitted explanation/reply to the aforesaid vigilance report on the basis of Caste Validity Certificates issued to the Petitioner's father, grandfather, great grandfather, Petitioner's aunt and his cousin uncles. The Respondent No.1 Caste Scrutiny Committee invalidated the caste claim of the Petitioner contrary to the Judgment of Hon'ble Apex Court and High Court.

5. It is contention of the Petitioner that the Caste Scrutiny Committee, Nagpur has only considered the entries

which are unfavourable to the Petitioner i.e. 'Mani' and 'Mane' and ignored the entry of 'Mana' and invalidated the caste claim of the Petitioner, which is illegal and is liable to be quashed and set aside. It is further contended that in Collector's Office clearly shows some entries as 'Mana'. The Petitioner obtained certified copy of entry of cousin uncle Ramesh Kathe in 2002. He also applied to Head Copier of Collector Office Nagpur for certified copy of entry of cousin great grandfather Lodya 'Mana' record, it is of 02.12.1934. The Office of Collector, Nagpur issued the certified copy of the said entry of 02.12.1934, certifying Lodya S/o Fakira blessed with son on 02.12.1934 and copy was delivered on 29.09.2002. It is further contention of the Petitioner that, the Caste Scrutiny Committee, in spite of 10 validity certificates granted in the family issued by same Committee including validity certificate to the father of the Petitioner, invalidated the caste claim of the Petitioner which is illegal and is thus liable to be set aside.

6. Learned Counsel for the Petitioner relied on following citations:

- i) *Sayanna Vs. State of Maharashtra and others, (2009) 10 SCC 268;*
- ii) *State of Maharashtra and others Vs. Mana Adim Jamat Mandal, (2006) 4 SCC 98;*
- iii) *Priya Pramod Gajbe Vs. State of Maharashtra and others, (2023) 16 SCC 409;*
- iv) *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others, 2010(6) Mh.L.J.;*
- v) *Rakesh Bhimashkar Umbarje and others Vs. State of Maharashtra thr. its Secretary, Tribal Development Department and another, 2023 SCC OnLine Bom 1013;*
- vi) *Bharat Nagu Garud Vs. State of Maharashtra and others, 2023 SCC OnLine Bom 2537;*
- vii) *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra, 2023 (16) SCC 415;*
- viii) *Ravikant Kathe Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur in Writ Petition No.5665/2024, dated 11.10.2024 and*
- ix) *Shreyash Ajay Ghormare through its guardian father Ajay Khemraj Ghormare Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, and Ors., 2024 SCC OnLine Bom 2244;*
- x) *Ku. Tajshree d/o Suresh Gajabe Vs. Scheduled Tribes*

***Certificate Scrutiny Committee, Gondia Division,
Nagpur thr. Its Member Secretary and another, in
Writ Petition No.4412/2023, dated 10/07/2024.***

7. It is contention of the learned Assistant Government Pleader that, in compliance with this Court's order dated 19.07.2024 in W.P. No. 4227/2024, the Petitioner's parents appeared before the Committee on 24.07.2024 and submitted a birth entry extract dated 02.12.1934 of one Lotya S/o Fakirya Mana. The document was forwarded to the Vigilance Cell for verification. Following two rounds of enquiry, the Vigilance Cell submitted its reports dated 13.08.2024 and copy served along with show cause notice dated 26.08.2024, and directed the Petitioner to appear before the Committee for hearing on 27/08/2024 along with reply on Vigilance Cell Report. The second Vigilance Cell Report dated 27/08/2024 was also served to the Petitioner and the petitioner and his parents were directed to respond the same. Accordingly the Petitioner submitted his reply on the Vigilance Cell Report on 30/08/2024. During the proceedings, an affidavit and Genealogy Tree were also

submitted by the petitioner's father. Upon verification the record from Office of Nagar Parishad, Katol, it revealed the Caste of Lotya S/o Fakirya as 'Mani', not 'Mana', suggesting the use of false documents. Additionally, a 1942, in the column of birth and death the name of father showing as Ganpati S/o Fakira 'Mane' and the name of son was shown as 'Mahadeo', it was also found to be bogus. Therefore, the Committee rightly rejected both entries as fabricated, holding that the caste claim was based on forged documents.

8. Learned Assistant Government Pleader relied on following citations :

- i) *Raju Ramsingh Vasave V. Mahesh Deorao Bhivapurkar and others, 2009(1) Mh.L.J.;*
- ii) *Maroti Vyankati Gaikwad Vs. Deputy Director and Member Secretary, the Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati, 2023 (6) ABR 419;*
- iii) *Ku. Dhanashri Jagdish Randaye Vs. State of Maharashtra and others in Writ Petition No.1857/2025, dated 08/07/2025; I*
- v) *Raghunandan Dashrath Parate & Ors. Vs. The*

Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur, dated 09/05/2025 and
iv) Ansh s/o Kiran Gharat Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, thr. Its Member Secretary, Nagpur in Writ Petition No.2999/2024, dated 22/11/2024.

9. Heard both the parties at length. Perused the original record produced by the Assistant Government Pleader of Caste Scrutiny Committee and considered the citations relied on by both the parties.

10. It is admitted fact that 10 Validity Certificates were issued in favour of blood relatives of the Petitioner. There are certified copies of two old documents placed on record, one in respect of Ganpati S/o Fakira Mana, dated 20/10/1942 showing one son born to Ganpati Fakira. Similarly, another document is in respect of Lodya S/o. Fakirya Mana, dated 02/12/1934, showing one son born to Lodya Fakirya and all other documents produced on the record are subsequent to cut off date. The documents collected by the Vigilance Cell, entry of 1944 of one Bhaskar

Lotya, tribe is shown as “**Mane**” and entry of Gajanan Lotbaji is of the year 1947 and tribe is shown as “**Mane**”. The Vigilance Cell had procured entry in respect of Bhimrao S/o Ganpat of 1940, Santosh S/o Ganpati of 1948 and Parashram Motiram dated 06/10/1942, which are procured from Nagar Parishad, Higher Primary School No.2, Katol, wherein tribe shown as “Mane”, “Mani” and “Mane”. There are two other entries procured from the school record of Katol, one is pertaining to Bhaskar S/o. Lotya, wherein date of birth shown as 01/07/1937 and Gajanan S/o Lotbaji, wherein date of birth shown as 01/07/1940. In those documents, the tribe shown as “Mane”.

11. It appears that there was fresh Inquiry directed to the Vigilance Cell. In the said Inquiry, the Vigilance Cell observed that while conducting inquiry in Nagar Parishad School, Katol, District Nagpur, the name of Parbati Ishram **Mani** is shown as dead on 21/03/1935 and document of 1942 pertaining to Ganpati Fakira **Mane**, name of son shown as Mahadeo and date of birth shown as 20/10/1942. The document of 1934 pertaining

to Lodya Fakirya Mane having gave birth to a male child. So also, Lotya Fakirya Mani gave birth to a female child on 01/09/1931. Thus, it is observed by the Vigilance Cell that there are entries of “Mani” and “Mane”. In reply to the Vigilance cell inquiry, the Petitioner submitted that he has produced oldest documents of the year 1942 and 1934. It is contended that the Caste Validity Certificate issued to his father is issued by following due procedure of law. He has specifically denied that entry in respect of Parbati Ishram Mani of 1935 belongs to his family and she is blood relative.

12. The learned Counsel for the Petitioner placed reliance on *Priya Pramod Gajbe* (supra), wherein para 9 and 10 reads as under :

“9. It could thus be seen that this Court has held that documents of the pre-Constitution period showing the caste of the applicant and their ancestors have got the highest probative value. It has also been 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 Constitution (Scheduled Tribes) Order.

10. A perusal of the report of the Vigilance Committee itself would reveal that the appellant's great grandfathers birth record show the caste as "Mana". The said document relates to as early as 10-3-1924, while another document of 14-4-1926 shows as "Mani". However, it is pertinent to note, and learned counsel for the parties also agree, that there is no caste named 'Mani'. It is thus possible that there could be some mistake in writing when the caste was written. It is to be noted that original record is written in Marathi and not in English. As such, such an error is quite possible."

13. The learned Counsel for the Petitioner also placed reliance on ***Apoorva D/o. Vinay Nichale*** (supra), wherein para 9, this Court observed as under :

"9. In the present case, we find that the committee has disbelieved the petitioner's case that she belongs to Kanjar Bhat after calling the school leaving certificate of petitioner's father and noticing that the original caste written on it was 'Thakur' and that was subsequently changed to Kanjar Bhat. The committee observed that the caste has been changed without complying with the procedure prescribed by Section 48(e) and

132(3) of Mumbai Primary Education Act. In fact, the caste has been changed on the basis of the affidavit. From the findings of the committee it appears that the committee has observed that the change of caste has been done illegally. Obviously, the committee which decided the caste claim of the petitioner's sister did not hold the same view, otherwise it would have refused to grant validity. 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. In this view of the matter, we are of the view that the petition must succeed. Rule is made absolute in above terms. The Caste Scrutiny Committee is

directed to furnish the caste validity certificate to the petitioner.”

14. The learned Counsel for the Petitioner further placed reliance on ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti*** (supra), wherein para 36 this Court held as under :

“36. Therefore, as observed earlier, the decision in the case of Vijakumar Vs. State of Maharashtra, (2010) 14 SCC 489 cannot be read as a binding precedent laying down a legal principle that in every case of verification of caste claim, the Caste Scrutiny Committee is under a mandate to refer the case to the Vigilance Cell. As under the scheme of ST Rules, affinity test is to be conducted by the Vigilance Cell, it follows that question of conducting of affinity test will arise only when a case is made out for referring the case to Vigilance Cell. If the Scrutiny Committee, after holding an enquiry is satisfied with the material produced on record, without referring the case to the Vigilance Cell, the Caste Scrutiny Committee is under a mandate to grant validity to the caste certificate. As noted earlier, in a given case, the Scrutiny Committee can order a limited inquiry by the Vigilance Cell. For example, if an applicant is relying upon a caste validity certificate granted to his blood relative and the Scrutiny Committee, after finding that the certificate is issued after due inquiry entertains a doubt about the relationship

pleaded, it can direct the Vigilance Cell to make inquiry only about the relationship.”

15. The learned Assistant Government Pleader drawn our attention to the documents mentioned at Page 81. The document showing entry “Mani” in respect of female child born to Lotya Fakirya Mani dated 01/09/1931. The another document pertaining to Parbati w/o Ishram Mani wherein tribe is shown as “Mani”. The said Parbati died in the year 1935. However, it is specifically denied in reply by the Petitioner that said Parbati is in their relation. There are tax assessment reports in 1935-36 to 1937-38, wherein Caste is shown as “Mani” of Fakirya Ishram Mani and the son Ganpati Lotya. Those documents were procured by the Vigilance Cell. The another document pertaining to mail child born to Ganpati Fakirya Mani of 10/07/1939. One document obtained by Vigilance Cell pertaining to Totya Rodba, wherein Caste is shown as “Mane” and date of admission shown as 04/07/1940. The Vigilance Cell procured as many as 13 documents which pertains prior to 1950, wherein caste is shown as “Mani” and “Mane”. However, all these documents were not

referred to the Petitioner for calling his explanation. These documents are appearing in the order of the Caste Scrutiny Committee itself from page 81 to 84. Thus, no proper opportunity was granted to the Petitioner to submit his explanation on account of these entries shown as procured by the Vigilance Cell. There are many validity certificates which needs consideration.

16. The learned Assistant Government Pleader relied on Judgment of Full Bench decision of this Court in ***Maroti Vyankati Gaikwad*** (supra) in support of his contention that person belonging to Tribe or Sub-tribe such as 'Badwaik Mana', 'Khand Mana', 'Kshstriya Mana', 'Kunbi Mana', 'Maratha Mana', 'Gond Mana', 'Mani/Mane' etc. cannot be held to be included in the Scheduled Tribe "Mana" in Entry No.18 in the Precedential Order 1950. Though it is correct, however in our considered opinion, no proper opportunity was granted to the Petitioner to reply/to give explanation in respect of the entries procured by the Vigilance Cell as produced at Page 81 to 83 of the order prior to 1950.

17. As such, in our considered opinion, matter needs to be remitted back to the Caste Scrutiny Committee to grant fair opportunity to the Petitioner on all documents collected by the Vigilance Cell. It is also necessary to consider whether these documents which are procured during vigilance were procured at the time of vigilance inquiry of the father of the Petitioner while issuing validity certificate. Accordingly, we proceed to pass the following order :

- (i) The writ petition is partly allowed.
- (ii) The impugned order dated 06/09/2024, passed by the Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur in the matter of Petitioner in Case No. 6/505/Edu/082023/246054 is hereby quashed and set aside.
- (iii) The matter is remitted back to the Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur for grant of fair opportunity to the Petitioner by supplying all the copies of documents calling explanation and by granting hearing afresh.

- (iv) The respondent Nos.2 and 3 are hereby directed not to cancel the admission of the petitioner to B.Tech Course in Government College of Engineering, Nagpur till the disposal of the caste claim by the respondent No.1-Caste Scrutiny Committee.
- (v) The respondent No.1-Scheduled Tribes Caste Certificate Scrutiny Committee, Nagpur shall decide the validity of the caste claim of the petitioner within a period of four weeks.
- (vi) The petitioner as well as the Education Officer communicate the order to the respondent No.1-Caste Scrutiny Committee.

18. The Writ Petition stands disposed of in the above terms.

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

(PRAVIN S. PATIL, J.)

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