



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

WRIT PETITION NO. 5425/2024

Mourya Chhatrapal Ghodmare,

Aged about 17 years, Occ.
Student, Natural Guardian
Father Chhatrapal Jagoji
Ghodmare, 2nd Floor, Saptagiri,
C/o. Shri Shankar More, Geeta
Nagar, Anand Nagar, Nanded
431602, M-8668543992, Email
id:- ghodmarecj@gmail.com

.....PETITIONER(S)

// VERSUS //

The Scheduled Tribe Certificate

Scrutiny Committee, Nagpur,

Through its Member Secretary,

Giripeth, Nagpur 440 010,

Email:-

tcscngp.maharashtra@gov.in

.....RESPONDENT(S)

.....
Shri N.D. Jambhule, Advocate for the Petitioner(s)

Shri G.S. Umale, AGP for the Respondent/State
.....

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

AUGUST 26, 2025

ORAL JUDGMENT :- (PER:- M.S. JAWALKAR, J.)

. **RULE. Rule made returnable forthwith.** Heard finally by consent of learned Counsel for the respective parties.

(2) The Petitioner herein is challenging the order dated 19/06/2024 passed by the Respondent - Scheduled Tribe Certificate Scrutiny Committee, Nagpur (hereinafter referred to as “the Scrutiny Committee”) invalidating the tribe claim of the Petitioner as ‘Mana’ ST. The Scrutiny Committee, by the impugned order, invalidated the tribe claim of the Petitioner on the ground of documentary evidence as well as the affinity test.

(3) The Petitioner along with his Application submitted the caste validity certificate of his cousin namely Sawan Ramesh Ghodmare. The said validity certificate was issued after conducting independent vigilance enquiry. Even the father of the Petitioner namely Chatrapal and uncle Mahipal were also granted validity certificates. There is no dispute over the genealogy. However, the Scrutiny Committee erroneously discarded the oldest document of the year 1937 pertaining to the

birth extract in respect of Narayan Arjun, wherein it is mentioned that he gave birth to one male child. This document is discarded only on the ground that name is not appearing in the genealogy, whereas on Page No. 79, if the genealogy is perused, which is collected by the Vigilance Cell, the name Watku alias Dashrath is appearing. While discarding this entry, the Scrutiny Committee failed to appreciate the entry dated 14/04/1937 at Serial No. 12 which pertains to Narayan Arjun, who is a resident of Village Taas, Bhiwapur Tahsil. Another entry is of 26/01/1948 at Serial No. 13, which is also in respect of Narayan Arjun, who gave birth to male child namely Jago. These two entries at Serial Nos. 12 and 13 show the tribe of Narayan Arjun as 'Mana'. As such, there is no reason to consider the subsequent entries showing the tribes 'Mani' or 'Mani Kunbi'.

(4) Learned Counsel for the Petitioner placed reliance on the judgment of this Court in **Writ Petition No. 5102/2021 (Ku. Ankita D/o Gautam Gadmade vs. The State of Maharashtra & others)** decided on 12/10/2022, wherein this Court, in Paragraph No. 5, has recorded its findings as under:-

“5. Infact, the law is well settled on the question of evidentiary value of validity certificate granted to a person by the competent Scrutiny Committee. The validity certificate granted to a person stands as a conclusive proof of social status of that person, unless it is revoked for legally admissible reasons. Therefore, what stands as a conclusive proof of a social status of a person also stands as sufficient and reasonable proof of the social status of a person, who is related from paternal side to a person in whose favour the validity certificate has been granted. This settled position of the law appears to have been completely ignored by the scrutiny committee and the scrutiny committee has been unnecessarily and unduly swayed away by something, which could not be considered to be as reliable and an adequate evidence as the validity certificate granted to Gauresh, real brother of the Petitioner.”

(5) It is well settled position of law that the old documents prior to the cut off date are having greatest probative value and the oldest entry will prevail over the subsequent entries. As observed above, already there are validity issued in favour of the blood relatives of the Petitioner and in respect of Sawan Ramesh Ghodmare, there was vigilance enquiry conducted through the Vigilance Cell. Apart from this, there are

entries of the years 1937 and 1948 showing the tribe as 'Mana'. As such, these entries would prevail over the subsequent entries of 'Mani' or 'Mani Kunbi'.

(6) Learned AGP for the Respondent admitted that there is name Waktu alias Dashrath in the Vigilance Cell Report. In the judgment in case of **Apoorva D/O Vinay Nichale vs Divisional Caste Certificate Scrutiny & others**, (2010) 6 Mh. L.J. 401, this Court, in Paragraph No. 9, has 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. 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.”

(7) In view of the judgment of **Apurva Nichale (supra)**, the Petitioner is entitled to get validity certificate of belonging to ‘Mana’ Scheduled Tribe. It is also settled position of law that if there are documents prior to the pre-independence era, the affinity test need not be carried out.

(8) In the judgment of **Anand vs. Committee for Scrutiny and Verification of Tribe Claims & others, 2011 (6) Mh.L.J. 919**, the Hon’ble Supreme Court, in Paragraph No. 18, held as under:-

“18. It is manifest from the afore-extracted 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.”

(9) In view of the above law position, in our considered opinion, the impugned order passed by the Respondent – Scrutiny Committee does not sustain in the eyes of law, as it has

neither considered validity granted to the blood relatives nor considered the oldest entries of 'Mana'. Thus, the same needs to be quashed and set aside.

(10) Hence, we proceed to pass the following order:-

ORDER

- (a) The Writ Petition is **allowed**.
- (b) The impugned order dated 19/06/2024 passed by the Respondent – The Scheduled Tribe Certificate Scrutiny Committee, Nagpur in Case No. नस्ती/क.सआ/अजप्रतस/नाग/I/326/31/2022 is hereby quashed and set aside.
- (c) It is declared that the Petitioner has duly established that he belongs to 'Mana' Scheduled Tribe. The Respondent – Scrutiny Committee is hereby directed to issue validity certificate to the Petitioner as he belongs to 'Mana' Scheduled Tribe, within a period of four weeks.

- (d) The Petitioner can rely on the copy of this judgment, if required, till the validity certificates is issued to him.

Rule is made absolute in the above terms. Pending Application(s), if any, stand(s) **disposed of.**

(PRAVIN S. PATIL, J.)

(M.S. JAWALKAR, J.)