



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

WRIT PETITION NO. 7138 OF 2024

PETITIONER :

Ku. Sonali Someshwar Ghodmare, Thr.
Natural Gaurdian, Father Someshwar
Watuji Ghodmare Res. At meharbaba
Colony, Chhatri Talav Road, Dastur
Nagar, Amravati, Tah. District
Amaravati
Email. sonalighodmare89@gmail.com
M-9307731998

-Versus-

RESPONDENTS :

1. The State of Maharashtra, Through its
Chief Secretary, Mantralaya, Mumbai-
400032. E-mail. cs@maharashtra.gov.in
2. The Scheduled Tribe Certificate Scrutiny
Committee, Through its Member
Secretary, Chaprashipura, Amravati-
444602.

Mr. S.P. Khare with Mr. N.D. Jambhule, Advocates for the petitioner.
Mrs. S.V. Kolhe, AGP for the respondent-State.

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

**CLOSED ON : 2ND SEPTEMBER, 2025
PRONOUNCED ON: 18TH SEPTEMBER, 2025**

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

1. Heard finally with the consent of the learned Counsel for
the parties.

2. Being aggrieved by the order dated 15/07/2024 passed by the Respondent – Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati (hereinafter referred to as “the Scrutiny Committee”) invalidating the claim of the petitioner towards ‘Mana’ Scheduled Tribe, the petitioner has filed this present petition.

3. It is contended by the petitioner that there are quite a few "Mani" entries relating to petitioner’s relatives and they all support her claim towards 'Mana' Scheduled Tribe.

4. The petitioner further submitted that she herself also produced oldest in old document "Mani entry pertaining to years 03/05/1926 relating to her Grand-mother (grand father's sister), hoping that the Committee would read these entry as "Mana" Entry".

5. The petitioner further submitted that her father was granted caste validity on 06/02/2004. The petitioner obtained a caste certificate on 20/12/2023 and submitted a proposal for validity on 29/01/2024, which was verified on 02/02/2024. The Vigilance Report was received on 19/04/2024. The Scrutiny Committee issued a show-cause notice dated 15/05/2024 to the Petitioner and the matter was fixed for hearing on 28/05/2024. As the petitioner was a minor, her father appeared and sought time, after which the

petitioner filed her reply on 05/06/2024. It is contended that despite this, the Scrutiny Committee passed an invalidation order on 15/07/2024.

6. The petitioner further contended that a person identified as “Mana,” applying the parameters laid down under Government Resolution of 1985, is also covered under Entry 18 “Mana” of the Presidential List of Scheduled Tribes for the State of Maharashtra, even if such person is also referred to as “Mani/Mane/Mana Kunbi-Mane Kunbi/Mana Kunbi.”

7. The petitioner relied upon the following documents -

- (i) Petitioner’s 2019 school record,
- (ii) Her father’s 1977 school record,
- (iii) Her father’s 2004 validity certificate as ‘Mana – Scheduled Tribe,’ evidencing the family’s adherence to Mana endogamy, and
- (iv) an old record dated 03.05.1926 showing the entry “Mani” for her grandmother (grandfather’s sister).

8. The petitioner submitted that by the letter dated 15/05/2024, the Scrutiny Committee issued a Show-Cause Notice wherein it relied upon one irrelevant entry collected by the Vigilance Cell. The said entry does not pertain to or concern the petitioner’s

blood relations, and only the name “Gangaram” coincidentally resembles that of the petitioner’s relatives. The petitioner specifically denies any relation with Godya s/o Gangaram Mana Kunbi.

9. It is submitted that the Scrutiny Committee’s observations are misleading. The rejection of the petitioner’s clarification by referring to the Vigilance Cell enquiry and records is incorrect, as the genealogy clearly shows that Godya s/o Gangaram does not belong to the petitioner’s family tree and finds no mention in the Vigilance Cell report.

10. The learned Counsel for the petitioner, in support of their contentions, relied upon the following citations-

- (i) **Gitesh s/o Narendra Ghormare v. Scheduled Tribe Certificate Scrutiny Committee, Nagpur and others, 2018 (4) Mh.L.J. 933 (Paras-23, 31 and 32).**
- (ii) **Gajanan s/o Pandurang Shende v. Head-Master, Govt. Ashram School, Dongargaon Salod and others, 2018(2) Mh.L.J., 460 (Paras-7, 8, 12, 19 and 21).**
- (iii) **Umesh s/o Ganeshrao Jambhore v. Vice-Chairman/Member-Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and others, 2022 (3) Mh.L.J. 31 (Paras-11 and 13).**

11. *Per contra*, learned AGP for the respondents submitted that the petitioner's proposal for verification of her tribe claim was referred on 06/02/2024 through the Principal, Vidyabharti College, Amravati. In support of the same, she submitted several documents, including Caste Certificate No. MRC 40122284687 dated 20/12/2023 issued by the Sub-Divisional Officer, Chandur Rly, District Amravati. The case was, thereafter, forwarded for vigilance enquiry and the Vigilance Cell submitted its report on 24/04/2024. During the inquiry, certain documents adverse to the petitioner's claim were collected, the details of which are-

- (i) Death Extract (29.09.1916): Godya s/o Gangadhar Mana – Cousin Grandfather – Caste: Mani (Kunbi).
- (ii) Death Extract (03.05.1926): Tulsi w/o Pandu Mana – Grandfather's Sister – Caste: Mani (Kunbi).
- (iii) Death Extract (14.09.1927): Pandu s/o Gangaram Mana – Great Grandfather – Caste: Mani (Kunbi)
- (iv) Birth Extract (05.11.1955): Male child of Vatya s/o Pandu Mana – Great Grandfather – Caste: Mani (Kunbi)
- (v) Dakhalkharij Extract (10.07.1963): Maruti Vatuji Ghodmare – Real Uncle – Caste: Mana Kunbi
- (vi) Dakhalkharij Extract (19.08.1946): Chandu Panduji – Cousin Grandfather – Caste: Mane Kunbi
- (vii) Dakhalkharij Extract (19.08.1946): Suryabhan Panduji – Cousin Grandfather – Caste: Mane Kunbi.

12. It is further submitted that the petitioner's proposal was examined by the Scrutiny Committee based on documents and a Vigilance Cell inquiry. The documents included entries of 1916, 1926, 1927, 1946, 1955 and 1963, which recorded the tribes as Mana (Kunbi), Mani, Mani (Kunbi), Mana (Kunbi) and Mane (Kunbi). Since the Presidential List at Entry 18 specifies only "Mana" and not these variations, and as per settled law of the Hon'ble Supreme Court in cases of **Milind Katware, Palghat Thandan, and Keshav Sonone**, no addition, deletion or alteration of nomenclature is permissible. The Scrutiny Committee held that the petitioner had only produced one pre-constitutional record (1926 entry of "Mani"), without corroborating the evidence, and that these entries did not establish her claim as "Mana" Scheduled Tribe.

13. It is also stated by the respondents that the Scrutiny Committee by relying on the binding precedents including the law laid down in **Maroti Vyankati Gaikwad (2023), Mana Adim Jamat Mandal (2006), and Kunda Vishwanath Ghodmare (2001)**, held that "Mana" is distinct from "Mana Kunbi/Mani/Mane Kunbi." Further, the socio-cultural affinity test, vigilance enquiry, and hearing revealed that the petitioner failed to establish linkage with 'Mana' Scheduled Tribe. After granting due opportunity of hearing, the Scrutiny

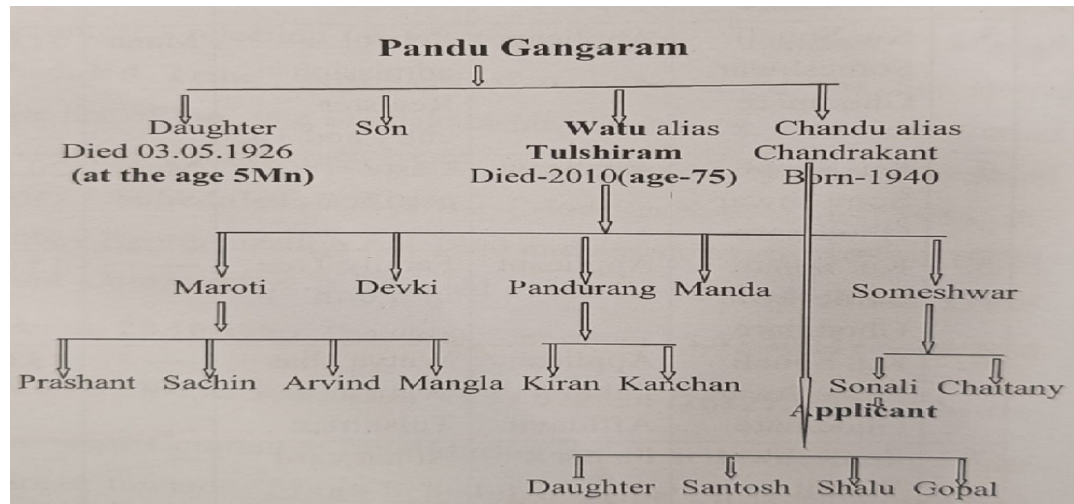
Committee, by order dated 15/07/2024, invalidated the petitioner's claim. The respondents submit that the impugned order is just, proper, and requires no interference.

14. The learned AGP for the respondents, in support of her contentions, relied upon the following citations:-

- (i) **Maroti Vyankati Gaikwad v. Deputy Director and Member-Secretary, The Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati, AIR OnLine 2023 Bom 1849 (Paras 20 and 24).**
- (ii) **State of Maharashtra v. Milind and others, 2001 (1) Mh.L.J., 1 (Para-34).**

15. Heard learned Counsel for the respective parties at length, perused the documents and citations relied upon by both the parties.

16. For the sake of convenience, the genealogical tree is reproduced as under:-



17. The petitioner placed on record as many as 10 documents out of which the oldest one is dated 03/05/1926 wherein Tulsi D/o Pandu Mani is shown as belonging to tribe 'Mani'. The Vigilance Cell collected the document of 1916 of Godya S/o Gangaram showing his tribe as 'Mana (Kunbi)'. The entry dated 03/05/1926 in respect of Tulsi D/o Pandu Mani is verified by the vigilance cell. Another entry collected by the vigilance cell is in respect of Pandu S/o Gangaram Mani dated 14/09/1927 wherein there is entry of 'Mani (Kunbi)'. On perusal of the family tree, it appears that there are two entries dated 19/08/1946 in respect of Chandu S/o. Panduji and Suryabhan S/o. Panduji showing their tribes as 'Mane (Kunbi)'. Though the vigilance cell report was received by the petitioner, she has not submitted any Application. A separate statement was recorded at the time of hearing father of the petitioner. The Scrutiny Committee though recorded that there was no explanation or reply to the vigilance cell report till 08/06/2024, in Paragraph No. 8, it is recorded that the Applicant has submitted written reply to the report of the police vigilance cell on 05/06/2024.

18. The documents collected by the vigilance cell are at Page Nos. 91 to 96 on the record and proceedings, the oldest entry is of 1916 wherein the tribe of Godya S/o Gangaran Mana is shown as

‘Mana (Kunbi)’. In the document of 1926, the tribe of Tulsi Pandu Mani is shown as ‘Mani’. The document dated 14/09/1927 in respect of Pandu S/o Gangaram Mani shows the tribe as ‘Mani (Kunbi)’. Similarly, the document dated 05/11/1955 in respect of Vatya S/o. Pandu Mana, the tribe is shown as ‘Mana (Kunbi)’. The extract of dakhil kharij register shows the tribe of Maruti Godmare as ‘Mana (Kunbi)’, tribe of Chandru Panduji as ‘Mane (Kunbi)’ and the tribe of Suryabhan Panduji as ‘Mane (Kunbi)’. These documents pertain to 1963 and 1945 respectively. Another document dated 16/07/1977 was procured by the vigilance cell which is in respect of Someshwar Vatuji Godmare. However, it is not relevant for consideration. The claim of the petitioner is rejected mainly in view of the ratio laid down in the **Full Bench judgment of this Court passed in Writ Petition No. 12/2022 dated 15/09/2023 (Maroti Vyankati Gaikwad vs. Deputy Director and Member Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati, Amravati)**.

19. In view of the above judgment, the issue is set at rest and it is held that the tribes Mani/Mane/Mana Kunbi-Mane Kunbi/Mana Kunbi etc. cannot be given the status of Scheduled Tribe as given to ‘Mana’ tribe. In **Maroti Vyankati Gaikwad (supra)**, this Court held that “While the entry in the Presidential (ST) Order 1950, has to be read

as it is, and nothing is permissible to be considered while reading this entry as indicated in our answer to Question No. A.” As such, on perusal of the documents collected by the vigilance cell and the documents placed on record by the petitioner, the documents of pre-independence era showing the tribe as ‘Mana’, there is entry of Kunbi also along with Mani, Mane and Mana. Therefore, these documents cannot be considered for granting validity of ‘Mana’ tribe to the petitioner. There is one entry dated 29/09/1916 collected in respect of Godya S/o Gangaram wherein his tribe is shown as ‘Mana (Kunbi)’, however, the petitioner specifically denied this document or person being her relative. The oldest entry which is produced by the petitioner is in respect of the sister of grand father namely Tulsi D/o Pandu. Her entry is shown as ‘Mani’. Thus, it can safely be concluded that the petitioner failed to establish her claim of belonging to ‘Mana’ Scheduled Tribe. Insofar as the judgments relied on by the learned Counsel for the petitioner are concerned, the same are not applicable in the present set of facts.

19. In view of the observations, the Writ Petition stands **dismissed**. No order as to costs. Pending Application(s), if any, stand(s) **disposed of**.

(PRAVIN S. PATIL, J.)

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