IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11431 OF 2019

1. Rajendra Hanmantrao Helchal
2. Shreya Ravindra Helchal
3. Shweta Shivdatt Helchal ...PETITIONERS

VERSUS

1. The State of Maharashtra
Through its Secretary,
tribal Department, Mantralaya
Mumbai-32.

2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director. (R).

3. The Executive Engineer,
Maharashtra State Electricity Distribution
Company Ltd. Vidyut Bhavan, Near Bustand,
Hingoli, Tq. & Dist. Hingoli. ...RESPONDENTS

Mr. Pratap V. Jadhavar, Advocate for Petitioners.
Mr. P. S. Patil, AGP for Respondent Nos. 1 and 2-State.
Mr. A. R. Salve, Advocate for Respondent No.3.

CORAM : KISHORE C. SANT &
JITENDRA JAIN, JJ.

RESERVED ON : 28th AUGUST 2026.
PRONOUNCED ON : 27th OCTOBER 2026.

ORDER :- [PER:- KISHORE C. SANT, J.]

1] Heard Mr. Jadhavar, learned Counsel for the Petitioners, Mr. Patil, learned AGP for Respondent Nos. 1 and 2 and Mr. Salve, learned Counsel for the Respondent No.3. At the joint request of the parties, the petition is taken up for final disposal at the stage of admission.

2] By way of this Writ Petition, the Petitioners have challenged a Judgment and Order dated 16/08/2019 passed by Respondent No.2/the Scheduled Tribe Certificate Scrutiny Committee, Aurangabad (hereinafter referred to as “Committee”), thereby invalidating a tribe claim of the petitioners as belonging to “Mannervarlu” a Scheduled Tribe.

3] All the petitioners are related to each other. The petitioner No.1 is real uncle of Petitioner Nos. 2 and 3. Petitioner Nos. 2 and 3 happen to be the cousin sisters. The father of petitioner No.2 and 3 are real brothers of petitioner No.1.

4] A challenge is raised to a common judgment and order wherein the Committee has refused to grant validity certificate in favour of these petitioners. The petitioner Nos.2 and 3 happen to be a students. Their proposals are forwarded by their respective colleges. The

petitioner No.1 is in service with Respondent No.3 and his claim was forwarded by Respondent No.3.

5] The petitioners claim to be belonging to the Scheduled Tribe (Mannervarlu). The petitioner No.1 has secured service as belonging to Scheduled Tribe, whereas petitioner No.2 and 3 are desirous of prosecuting their professional careers and seek admission to professional courses as belonging to Scheduled Tribe (Mannervarlu).

6] The petitioners, in support of their claim, submitted 44 documents. So far as school record is concerned, there are six documents provided from the school records. The Scrutiny Committee after considering all the documents held that the petitioners failed to prove their tribe status.

7] Mr. Jadhavar, the learned Counsel for the petitioners, vehemently argued the petition. He submitted that the Respondent/Committee has utterly failed to consider legitimate claims of the petitioners. The Committee did not apply its mind properly to the record. Though there are validity certificates granted to near relatives of the petitioners, those are not considered. The petitioners produced

documents even prior to independence of one Narayanswami Hanmantrao Helchal, the great-grand-father of petitioner Nos.2 and 3 and grand-father of petitioner No.1, still that is not considered. The revenue record in the name of forefathers is not considered. So far as record of Ravindra Helchal, father of petitioner No.2 is concerned, it shows that he belongs to Mannervarlu. However, still that was not considered. Even the record of the petitioners is not considered, wherein their caste is recorded as Mannervarlu. He submits that the Vigilance Cell report has not disputed the relationship of the petitioners with the validity holders. The contra entries are wrongly relied upon by the Committee. He thus prays for allowing the writ petition.

8] In support of his submissions, learned Counsel for the petitioners relied upon the following judgments:-

(i) ***Rajesh Jagdishrao Gode Vs. State of Maharashtra and Ors.***[1];
(ii) ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.***[2].

9] Mr. Patil, learned AGP, on the other hand, vehemently opposed the petition. He submitted that the learned Members of the Committee have considered all the material produced on record. It is

1 2006 (4) All MR 131
2 (2023) 16 SCC 415

only on going through the record, the affinity test and the report of the Vigilance Cell. The Committee recorded that the petitioners have not proved their tribe status. He submits that there are contra entries in the name of Ravindra, father of petitioner No.2, is shown to be “Phulmali” in the school record, where he had taken an admission on 01/07/1978. So far as revenue record is concerned, it is rightly recorded that no such original record is found for verification. The service book where the tribe of father of petitioner No.1 is shown as Mannervarlu is issued in 2003, and therefore, it cannot be said to be a a document that can be relied upon. The sale-deed which is sought to be relied upon is in Urdu language. However, the original sale-deed is not on record and there are no corresponding entries found in the record. The sale deed purported to be of 1946 is not mentioned in any other record. He prays for rejection of the petition.

10] This Court has heard the parties. This Court has gone through the petition papers and also perused the files of the petitioners and the order passed by the Committee. This Court has verified the material documents which were produced by the petitioners and respondent before this Court.

11] The question before this Court is as to whether the petitioners have proved their tribe status before the Committee by giving cogent and reliable evidence. Secondly, as to whether the committee has rightly refused to grant validity to the petitioners.

12] The Committee in its judgment considered 44 documents. Document Nos. 1 to 10 are in respect of petitioners and their relatives are discarded, for the reason that those are of recent origin. All other entries are after the date of notification. There is a document i.e. bond executed by Narayanswami, where the caste is shown to be Mannervarlu. The said Narayanswami happens to be grandfather of Petitioner No.1 and great-grand-father of Petitioner Nos. 2 and 3.

13] So far as Hanmantrao Helchal is concerned, the service book is of 2003 and, therefore, it is not considered. So far as school record of Ravindra is concerned, it is considered that in the entry of Ravindra from Zilla Parishad Bahuvidh Prashala Hingoli, where he took admission on 01/07/1978, his caste is shown as Hindu Phulmali. The entry in the name of Pratibha, real sister of Rajendra and paternal aunt of petitioner Nos. 2 and 3, is shown only as Hindu in the school record of Manik Smarak Aarya Vidyalaya, Hingoli. The entry in the name of Vijayendra

Helchal is shown to be only as Munnarwar in the school record of Manik Smarak Aarya Vidyalaya, Hingoli, however, the said entry is of 1977. Another entry of a cousin uncle namely, Nitin Helchal is shown as Munnurwar from the school record of Manik Smarak Aarya Vidyalaya, Hingoli; however, the said entry is of 05/06/1987. It is thus recorded that the entries of father, uncle etc., from the year 1978 and 1987 are shown to be Phulmali or Munnurwar. The Committee, therefore, considered the affinity test. It is observed that even in affinity test, the petitioners failed to show affinity with their tribe. Considering this basic record, even the Committee found that the petitioners have failed to prove their tribe status.

14] While coming to this conclusion, the Committee considered the marriage invitation card of the relatives, blood relatives of the petitioners and found that it is not as per tribal culture. So far as bond is concerned, as stated earlier, it is considered that there is no entry found corresponding with the said document in any Government department. About the entry also, the Committee has rightly considered this aspect as well. The Committee considered the judgments in the cases of (i) ***Raju Ramsing Vasave vs. Mahesh Deorao Bhivapurkar & Ors.***[3] (ii) ***Narayan D.***

3 (2008) 9 SCC 54

Jambhule Vs. Scheduled Tribe Scrutiny Committee and Ors.[4] (iii) *Jyoti Sheshrao Mupade Vs. The State of Maharashtra and Ors.*[5] (iv) *Devendra Gurunath Khadgikar Vs. The State of Maharashtra* and Ors.[6] and *Rajeshwar Baburao Bone Vs. State of Maharashtra*[7].

15] The respondent/Committee further considered that the original place of residence of the family was shown to be Tirupatinagar, Hingoli, Tal. & Dist. Hingoli. In the said village, no persons from Mannervarlu community are found. The respondent/Committee considered the language of the petitioners as well and found that it does not match with the language of Mannervarlu community.

16] Coming to the record, this Court has considered the original record from the file of the petitioners and considered the genealogy. No relation with the paternal aunt namely Pratibha is seen for the relation who is shown to be Hindu in the school record. Even the father Ravindra is shown as Phulmali in the school record. There is no dispute about the same. There is also no explanation as to why while admitting Ravindra and Pratibha to the school, their caste is shown as Phulmali and Hindu.

4 PIL/11/2016 (Nagpur) dated 15/04/2016
5 WP/1954/2009 (Aurangabad) dated 22/08/2012
6 WP/3739/2009 (Bombay) dated 12/02/2012
7 AIR 2015 SC 3024

17] This Court has seen the certified copy of the school leaving certificate of Ravindra, which shows the caste as Hindu Phulmali. Even in the general register of the school, the caste of Ravindra is shown to be Phulmali. The certified copy of school leaving certificate of petitioner No.1 is also seen, which is certified by the Manik Smarak Aarya Vidyalaya (Primary School), Hingoli. In caste column, his caste is shown only as Hindu. The school leaving certificate issued by Headmaster of the Manik Smarak Aarya Vidyalaya (Secondary School) Hingoli, also records the caste of Rajendra Helchal only as Hindu. Though a copy of tribe certificate issued by Akhil Maharashtra Mannervarlu Organization is seen in the record; however, it is rightly considered by the Committee that the said organization is not an authority to issue such certificate. The said certificate issued by such organization is of consequence. Only it is seen that by taking advantage of the similarity between the caste of petitioners as Munnurwar/Mannerwar, they claim themselves to belonging to a Scheduled Tribe Mannervarlu.

18] This Court has also seen the file of one Shivanand Rameshchandra Kodgirkar, who happens to be cousin of the petitioner No.1. In his file, it is stated that though his surname was Helchal after

shifting from their original place to other place, he adopted his surname as Kodgirkar. There is validity granted in favour of Shivanand Kodgirkar as belonging to Mannervarlu. Petitioners tried to take benefit of the said validity. It is further seen that though Shivanand Kodgirkar is granted validity on its own merit, in the present case, in view of specific contra entries about the father, paternal aunt of the petitioners, the validity granted in favour of Shivanand Kodgirkar cannot be used to grant validity in favour of the petitioners.

19] So far as judgment in the case of ***Rajesh Gode*** (supra) is concerned, the Hon'ble Apex Court had considered that the Committee can rely even upon an unregistered document. In that case, in the birth register, the caste of the petitioner's brother and father was shown as Hindu Mahadeo Koli, which was supported by two old documents, one was private agreement and second was Government grant in the name of ancestor of the petitioner as belonging to Koli Mahadeo. Grand-father and father as shown as Mahadeo Koli and in that view, the documents were relied though the documents were not registered. In that case, though the document was unregistered, corresponding record was available showing document was genuine. In the present case, there is

no corresponding record found of the alleged bond of the year 1948. A second major factor is that the record of the father of the petitioner No.2 itself is shows his caste as Phulmali in the school record. Same is the case with paternal aunt namely, Pratibha who is shown as Hindu.

20] In the case of ***Maharashtra Adiwasi Thakur Jamat*** (supra), the Hon'ble Apex Court has observed in paragraph No. 40 as under:

> *"**40.** Thus, to conclude, we hold that:*
>
> ***40.1** 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.*
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> ***40.2** 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*
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> ***40.3** 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] It is for the Committee to decide whether vigilance cell enquiry is necessary or not. In the present case, clearly a case is made out that there was no sufficient material available in favour of petitioners. A vigilance cell report was called.

22] Considering mainly that there are contra entries in respect of near relatives of the petitioners, which are not explained and disputed, this Court does not seen any fault with the reasoning of the committee and Committee has rightly delivered the judgment. The judgment relied upon by the petitioners also has no application to the facts of this case. In the case of ***Rajesh Gode*** (supra) it was only on the fact of that case that unregistered documents were considered. It cannot be said to be a general rule. In the present case, further, the judgment is not applicable for want of more than one reason. In the present case, there are no corresponding entries found and produced by the petitioners.

23] Considering all above, this Court does not find any merit in the writ petition. The writ petition stands dismissed.

[JITENDRA JAIN, J.] [KISHORE C. SANT, J.]

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