



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

WRIT PETITION No.1849 OF 2024

Ku. Hemamalini Anandrao Rodge
(Sau. Hema w/o. Dipak Dharmik),
Aged about 53 years, Occupation : Household,
R/o. Vinkar Vasahat,
Near Jagdamba Vidhyalaya,
Achalpur, Tq. Achalpur, District Amravati. : PETITIONER

...VERSUS...

Scheduled Tribe Caste Scrutiny Committee,
Near Government Circuit House,
Sana House, Old Bypass Road,
Chaparashirapur, Amravati-444 602,
through its Member Secretary. : RESPONDENT

Mr. M.D. Lakhey, Advocate for Petitioner.
Mr. S.V. Narale, Assistant Government Pleader for Respondent.

CORAM : **SMT. M.S. JAWALKAR AND**
NANDESH S. DESHPANDE, JJ.
RESERVED ON : **16th APRIL, 2026.**
PRONOUNCED ON : **30th APRIL, 2026.**

JUDGMENT : (Per : NANDESH S. DESHPANDE, J.)

1. Rule. Rule made returnable forthwith. Heard finally with the consent of parties.
2. The present petition seeks quashing and setting aside of the order dated 30th December, 2022, passed by the respondent Scheduled Tribe Caste Scrutiny Committee thereby invalidating the

claim of the petitioner for 'Halbi' Scheduled Tribe. It further prays for a declaration that the petitioner belongs to the said 'Halbi' Scheduled Tribe and for a direction to issue a validity certificate in her name.

3. The facts, as can be seen from the petition, are as under :

The proposal of the petitioner was forwarded to the validity committee on the basis of caste certificate issued by the competent authority along with supporting documents. On 19.9.2022 the petitioner was constrained to approach this Court against the invalidation of her caste claim by filing writ petition No.4085/2021. This Court set aside the order of the Scrutiny Committee and directed it to decide the caste claim within three months. On 7.3.2015 the petitioner received a show cause notice from the respondent Scrutiny Committee along with a vigilance cell report dated 30th January, 2015.

4. The petitioner replied to the vigilance notice and also produced caste validity certificate of her blood relatives. However, the respondent Scrutiny Committee invalidated the caste claim, which is impugned in the present petition.

5. We have heard Mr. M.D. Lakhe, learned counsel for the petitioner and Mr. S.V. Narale, learned Assistant Government

Pleader for the respondent.

6. Mr. M.D. Lakhe, learned counsel for the petitioner, points us out that the order of the Scrutiny Committee dated 30th December, 2022 is against the petitioner as also her real brother namely Suryakant Anandrao Rodge. He points us out the judgment in the case of **Umesh s/o. Anandrao Rodge vs. Scheduled Tribe Caste Scrutiny Committee, Amravati and another**, reported in **2024 (2) Mh.L.J. 523**, in which Writ Petition Nos.3519, 3520/2022, and 700/2023 were decided by this Court vide order dated 15th December, 2023. It is his submission that as far as Writ Petition No.700/2023 is concerned that was filed by Suryakant Anandrao Rodge, who was one of the co-applicants in the impugned order. It is, therefore, his submission that the order impugned in the petition has already been set aside at the behest of the said Suryakant.

7. On merits he submits that various documents were filed by the petitioner herein to show that she belongs to the 'Halbi' Scheduled Tribe. The oldest of such documents is a birth extract of a son born to one Ramchandra. The said birth extract is of 26th September, 2021. He, therefore, submits that, apart from these documents there was a birth extract of 7.10.1928. He, therefore, submits that these documents being of pre-constitutional period have more probative value in view of the law laid down by this

Court in the **Apoorva d/o. Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee**, reported in 2010 SCC Online Bom 1053.

8. Per contra, learned Assistant Government Pleader for the respondent while opposing the contentions canvassed by the learned counsel for the petitioner submits that there are various contra entries showing 'Koshti' and, therefore, the Scrutiny Committee was correct in invalidating the caste claim of the petitioner.

9. The rival contentions calls for our consideration. As far as the judgment of one *Umesh Rodge* (supra), after perusing the said judgment, it can be seen that the co-applicant in the impugned order, namely, Suryakant, was the petitioner in Writ Petition No.700/2023.

10. It can thus be safely inferred that the order impugned in the present petition stands set aside already at the behest of one of the co-applicants therein. As can be seen from the said judgment a co-ordinate Bench of this Court showed that in paragraph 8 of the judgment, this Court has observed as follows :

“8. Perusal of the entire material on record reveals that in support of the claim, petitioners have placed reliance on following documents of independence era:

1. birth register extract showing birth

date as 26-6-1921 of daughter of 'Ramchandra' wherein 'Ramchandra' is recorded as 'Halbi';

2. birth register extract showing birth date as 7-10-1928 of son of 'Ramchandra' wherein 'Ramchandra' is recorded as 'Halbi';

3. School Leaving Certificate of uncle of petitioners viz. 'Janardan' showing his birth date as 20-6-1921 who was admitted in school on 12-7-1934 and was recorded as 'Halbi';

4. birth register extract showing birth date as 19-8-1939 of son of 'Ramchandra' viz. 'Anandrao' (father of petitioners) was recorded as 'Halbi';

5. copy of sale deed showing grandfather of petitioners purchased a house on 3-5-1932 wherein also 'Ramchandra' was shown to be 'Halbi', and

6. School Leaving Certificate of daughter of 'Ramchandra' was recorded as 'Halbi'.

11. The family tree filed by the petitioner has not been disputed by the Scrutiny Committee. It, therefore, follows that the co-applicant i.e. Suryakant is the real brother of the petitioner in whose favour validity has been granted by this Court vide judgment referred supra. Furthermore, the reasoning adopted by the Scrutiny Committee regarding pre-constitutional documents has already been set aside by this Court by way of the judgment referred supra. The relevant reasoning is found in paragraphs 12, 13, and 14 of the said judgment.

12. *It is, however, material to note that though the Vigilance Cell Report specifically mentions about the entry in the register of births and deaths of October, 1928 in which a male child born to 'Ramchandra Raoji' is shown to have*

died wherein his caste is recorded as "Halbi", the entry in the register of births and deaths of 9-8-1939 in which male child 'Ananda' is shown to have born to 'Ramchandra Raoji', the grandfather of petitioners, which records caste as "Halbi" and the entry in the School Leaving Certificate, in respect of maternal aunt of petitioners (Kumari Godu Ramchandra Rodge), dated 12-7-1955 was recorded her caste as "Halbi". The Committee has totally ignored these entries while deciding the Tribe Claim of petitioners. The rejection of the Tribe Claim of petitioners, on the basis of these adverse entries, ignoring documents of pre-independence era, is completely unjustified. The Committee has laid a great stress on the correction made in the caste of 'Ananda Ramchandra Rodge', the father of petitioners, in the High School Admission Register of "Rashitraya High School and Junior College of Science" where earlier entry of his caste recording as "Koshti" was changed to "Halbi". Perusal of this entry at Sr. No. 148 in the High School Admission Register of the said school clearly indicates that the entry of the caste of the father of petitioners as "Koshti" was corrected by the school authorities as per order No. 14797 dated 23-12-1957 and order No. 74797 dated 23-12-1957. The explanation given by petitioners for this change, that the correction was made by the school authorities by duly passing order, has been brushed aside by the Committee. The reasoning given by the Committee has no basis whatsoever as it ignores the pre-independence entries of the years 1928 and 1939 in respect of grandfathers of petitioners recording caste as "Halbi". It is nobody's case that there was any reservation facility available during pre-independence so as to bring entries of the years 1928 and 1939 in disrepute. The position is otherwise. This is more so, as the entry of the caste in respect of Godu Ramchandra Rodge', the paternal aunt of petitioners, in the School Leaving Certificate issued by the Headmaster, Zilla Parishad, Primary Marathi Girls School, Achalpur City dated 12-7-

1955 has recorded her caste as "Halbi" which has been duly verified by the Vigilance Cell.

13. It is well settled that entries of pre-independence era have probative value. Sub-rule (2) of Rule 12 of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Caste Certificate Rules, 2003 provides that only if the Scrutiny Committee is not satisfied with documentary evidence produced by applicant, it shall forward application to the Vigilance Cell for conducting enquiry. While interpreting the said Rule, the Honourable Apex Court in the case of *Maharashtra Adiwasī Thakur Jamat Swarakshan Samiti vs. State of Maharashtra and ors.* (supra) held that, "in every case, as a matter of routine, the Scrutiny Committee cannot mechanically forward the application to Vigilance Cell for conducting an enquiry. When sub-rule (2) of Rule 12 contemplates that only if the Scrutiny Committee is not satisfied with the documents produced by the applicant that the case should be referred to Vigilance Cell, it follows that the Scrutiny Committee is required to pass an order recording brief reasons why it is not satisfied with the documents produced by the applicant. Before referring the case to the Vigilance Cell, application of mind to the material produced by the applicant is required and therefore, the application of mind must be reflected in the order sheets of the Scrutiny Committee.

14. Perusal of the record nowhere reflects that the Committee recorded its reasons as to dissatisfaction of the record and its reasons for referring the application to the Vigilance Cell. The Committee placed reliance on the documents collected by the Vigilance Cell showing adverse entries in the names of 'Maroti Raoji' and 'Pandurang Ramchandra'. The petitioners have denied the relationship with both the entries. Neither the Vigilance Cell nor the Committee placed any documents on record to show that these entries are related to forefathers of petitioners and the petitioners have suppressed

the same.”

12. The learned Assistant Government Pleader for the respondent State has placed before us communication dated 3.5.2024 that the State of Maharashtra is intending to file a Special Leave Petition against the said judgment. The said communication is of two years back. Nothing has been placed on record to show that in fact a Special Leave Petition is filed or is pending before the Hon’ble Apex Court.

13. In that view of the matter, in our considered opinion, the reasoning of the co-ordinate Bench of this Court in the judgment referred supra also applies to the present petition at hand. In that view of the matter, the following order is passed:

ORDER

- (i) The Writ Petition is allowed.
- (ii) The order dated 30.12.2022 passed by the Scrutiny Committee, Amravati, is quashed and set aside.
- (iii) It is hereby declared that the petitioner belongs to ‘Halbi’ Scheduled Tribe category and the Scrutiny Committee, Amravati is directed to issue a validity certificate in the name of the petitioner, certifying that she belongs to ‘Halbi’ Scheduled Tribe category within four weeks from the date of this order.

(iv) The petition is disposed of.

(v) Rule is made absolute in the abovestated terms
with no order as to costs.

(NANDESH S. DESHPANDE, J.)

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

wadode