



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

**WRIT PETITION No.1895 OF 2024**

Ku. Aishwarya Uddhav Parate,  
Aged about 27 years,  
occ. Student, r/o Palandur (Chau.)  
Tq. Lakhni, District Bhandrara. : PETITIONER

**...VERSUS...**

1. The Scheduled Tribes Caste  
Certificate Scrutiny Committee,  
through its Member Secretary,  
District Collector Office,  
Gondia 441 614.
2. The Headmaster,  
Zilla Parishad,  
Kendriya Prathmik Shala,  
Palandur, (Chau.)  
Tq. Lakhani, District Bhandara. : RESPONDENTS

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Mr. R.S. Parsodkar, Advocate for Petitioner.  
Ms. H.N. Jaipurkar,, Assistant Government Pleader for Respondent No.1.

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**CORAM** : **SMT. M.S. JAWALKAR AND**  
**NANDESH S. DESHPANDE, JJ.**  
**RESERVED ON** : **24<sup>th</sup> FEBRUARY, 2026.**  
**PRONOUNCED ON** : **16<sup>th</sup> MARCH, 2026.**

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

1. Rule. Rule made returnable forthwith. Heard finally  
with the consent of the parties.
2. The petitioner has filed this writ petition challenging

the impugned order dated 19.07.2023, passed by the respondent No.1, the Scheduled Tribes Caste Certificate Scrutiny Committee, Gondia (for short “the Committee”), in Case No.6-ST/2012/11303, invalidating her caste claim as belonging to ‘Halba’ Scheduled Tribe.

3. We have heard Mr. R.S. Parasodkar, learned counsel for the petitioner and Ms. H.N. Jaipurkar, learned Assistant Government Pleader for the respondent No.1.

4. The petitioner submitted the following pre-independence documents in support of her caste claim :

| Sr No | Document Type               | Name                   | Relation                | Date       | Caste |
|-------|-----------------------------|------------------------|-------------------------|------------|-------|
| 1     | School Transfer Certificate | Raoji Atmaram Parate   | Great-great-grandfather | 01.06.1914 | Halba |
| 2     | School Leaving Certificate  | Chintaman Raoji Parate | Grandfather             | 01.02.1938 | Halba |

5. Learned counsel for the petitioner submits that despite the aforesaid pre-independence documents being on record, the Committee erroneously communicated to the Vigilance Cell that no documents prior to 1950 were available and thereafter directed two vigilance enquiries - contrary to the settled mandate of law permitting only one - in both of which unrelated strangers were wrongly identified as blood relatives of the petitioner. It is further

submitted that the impugned order was passed hastily only upon the petitioner issuing a contempt notice on 03.05.2023, without affording an effective opportunity of hearing, in non-compliance of this Court's direction in W.P. No. 547 of 2019, vide judgment dated 14.09.2022, to decide the matter within six months.

6. Learned counsel further submits that the Committee, in its reply dated 21.07.2022 pursuant to right to information filed, had admitted possessing no knowledge whatsoever of the characteristics, affinity or social status of the 'Halba' Tribe, rendering any affinity based rejection wholly untenable. It is also submitted that the pre-independence documents were discarded on the ground of alleged ink and handwriting discrepancies without any expert opinion, that entries of unrelated strangers from revenue records P1 and P2 were foisted upon the petitioner as blood relatives and that area restriction was erroneously applied, which stands repealed by the Scheduled Castes and Tribes Orders (Amendment) Act, 1976.

7. Reliance is placed on **Kumari Madhuri Patil Vs. Addl. Commissioner, Tribal Development**, (1994) 6 SCC 241; **Anand Vs. Committee for Scrutiny and Verification of Tribe Claims**, (2012) 1 SCC 113; **Prakash Deware Vs. STCC**; **Jaywant Pawar**, (2018) 5 SCC 975; **Pravin Parate Vs. Scheduled Tribes Caste Certificate Scrutiny**

**Committee, Nagpur & Ors., 2013(1) Mh.L.J. 180; and Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti v. State of Maharashtra, (2023).**

8. Per contra, learned Assistant Government Pleader for the respondent No. 1 submitted that the Vigilance Cell reports dated 02.01.2014 and 03.02.2017 were duly served upon the petitioner's paternal uncle Pandurang Chintaman Parate on 11.10.2022, and that the petitioner submitted her reply on 14.10.2022. It is submitted that despite multiple opportunities of hearing granted on 03.02.2023, 21.02.2023, and 09.03.2023, the petitioner remained absent on each occasion, and that the say submitted by her uncle on 09.03.2023 neither bore the petitioner's signature nor was accompanied by any letter of authority. It is submitted that after considering all material on record, the Committee passed the impugned order dated 19.07.2023, which is within the four corners of law, and the petition is liable to be dismissed.

9. The Vigilance Cell found the following contra entries in respect of the blood relatives of the petitioner :

| Sr No | Document Type | Name | Relation | Caste Recorded | Date |
|-------|---------------|------|----------|----------------|------|
|-------|---------------|------|----------|----------------|------|

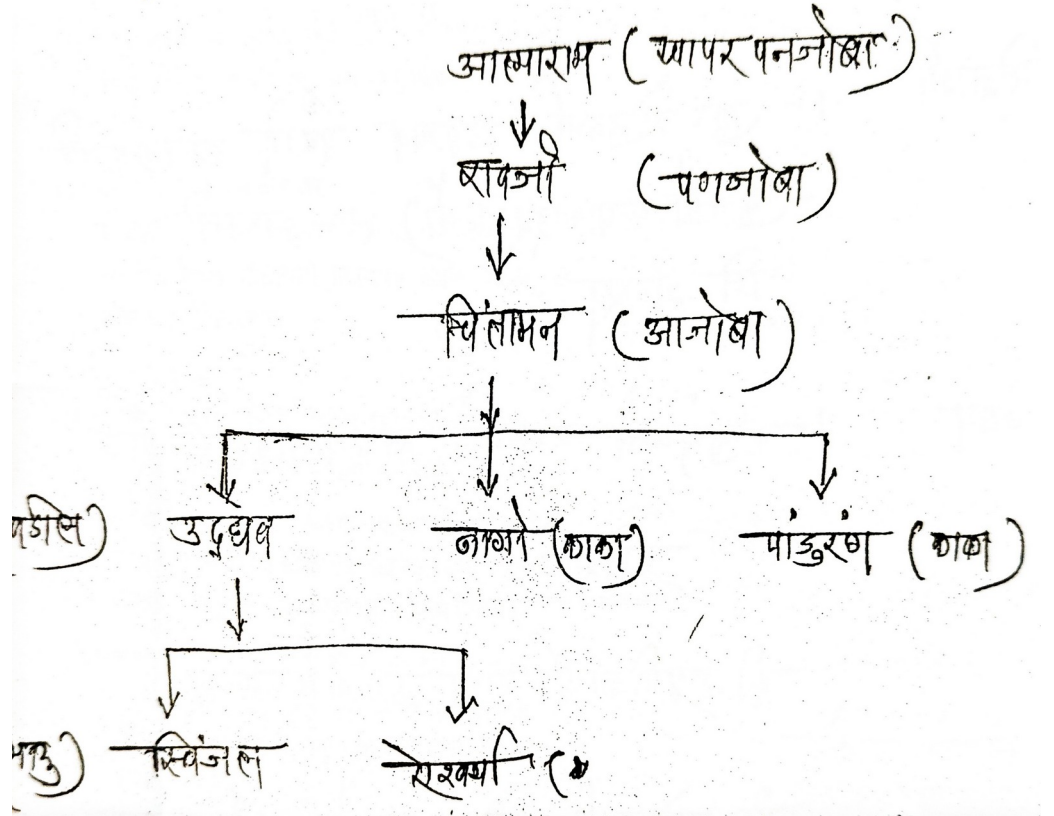
|   |                                                       |                                                                               |                                                                      |                                 |            |
|---|-------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------|---------------------------------|------------|
| 1 | P1 Revenue Extract, Palandur Survey No. 437           | Atmaram, Kisan, Janardhan, Dinu vald Pandu, Yadu vald Govinda                 | Great-great-grandfather, great-grandfather, cousin great-grandfather | Koshti                          | 1918-19    |
| 2 | Birth Extract                                         | Atmaram/ Atyaram Koshti                                                       | Great-grandfather                                                    | Koshti                          | 11.06.1920 |
| 3 | Promotion Register Extract                            | Narayan Janardhan                                                             | Cousin great-grandfather                                             | Koshti                          | 14.02.1928 |
| 4 | Promotion Register Extract                            | Harichand Pandu                                                               | -----                                                                | Koshti                          | 14.02.1928 |
| 5 | School Record, J.P. Kendriya Primary School Palandur  | Raoji Atmaram Parate                                                          | Great-grandfather                                                    | Halba (Suspicious and Doubtful) | 01.06.1914 |
| 6 | School Record, J.P. Kendriya Primary School, Palandur | Chintaman Raoji Parate                                                        | Grandfather                                                          | Halba (Suspicious and Doubtful) | 01.02.1938 |
| 7 | Tax Assessment                                        | Harishchandra Pandu Koshti                                                    | -----                                                                | Koshti                          | 1949-50    |
| 8 | Integration Sheet                                     | Chintaman Duma, Radhika Duma                                                  | -----                                                                | Koshti                          | 1975-76    |
| 9 | P2 Village Palandur                                   | Madhukar Yadav, Ramesh Yadav, Kaushalya Yadav, Sulochana Yadav, Yashoda Yadav | Blood relatives, close paternal side                                 | Koshti                          | 1975-76    |

|    |                               |                                                                                                                            |                                   |        |            |
|----|-------------------------------|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------|--------|------------|
| 10 | 7/12 Survey No. 197/1         | Madhukar Yadav,<br>Kaushalya Yadav,<br>Sulochana Yadav,<br>Yashoda Yadav,<br>Chintaman Duma,<br>Radhika Duma               | Blood relatives,<br>paternal side | Koshti | 1976-78    |
| 11 | Dakhal Kharij Extract No. 258 | Uddhav Chintaman Parate                                                                                                    | Father                            | Halba  | 02.06.1969 |
| 12 | Hakkabhilekh Patra (7/12)     | Chintaman Duma,<br>Shiva Dhinu,<br>Vithhu Dhinu,<br>Rekhram Waman Parate, Bhagubai Waman Parate,<br>Uddav Chintaman Parate | Blood relatives,<br>paternal side | Koshti | 20.07.2017 |

10. It is submitted on behalf of the respondent No.1 that the Vigilance Cell, across its reports, consistently found that all persons named in revenue records P1 and P2 belong to the petitioner's family tree, as confirmed by the statement of Damodar Tikaram Khandait, aged 85 years, a prominent resident of village Palandur. It is further submitted that upon verification of the grandfather's school record in the Promotion Register, the caste was found recorded as 'Koshti' and not 'Halba' with certain pages exhibiting lighter ink suggesting insertion and manipulation. It is also submitted that Atmaram and Atyaram are one and the same

person, and that Chintaman Duma and Raoji are one and the same person, with the agricultural land of Duma remaining in the possession of the petitioner's family, thereby establishing a direct genealogical nexus with the 'Koshti' community.

11. Family Tree is reproduced as below :



12. We have carefully considered the rival submissions and have perused the documents placed on record. The petitioner has placed before this Court pre-independence documentary evidence of considerable antiquity, tracing her tribal lineage back to the year 1914. The school transfer certificate of the great-great-grandfather Raoji Atmaram Parate dated 01.06.1914 and the school leaving

certificate of the grandfather Chintaman Raoji Parate dated 01.02.1938 both spanning over decades consistently and unequivocally record the caste as 'Halba'. As held in *Anand v. Committee for Scrutiny and Verification of Tribe Claims*, (supra), it is well settled that pre-independence documents occupy the highest rung in the hierarchy of evidence and must be accorded precedence and primacy while adjudicating caste claims. Such documents bearing consistent entries of caste as 'Halba' across successive generations, would, in the ordinary course, have been more than sufficient to establish the petitioner's tribal identity beyond reasonable doubt. The Committee was, therefore, duty-bound to accord due primacy to such evidence and to decide the claim in conformity therewith. It is a matter of considerable concern, however, that the Committee, instead of discharging this duty, has chosen to brand these centuryold records as 'suspicious and doubtful' by a mere ipse dixit, without assigning any cogent or legally sustainable reasons therefor and without the support of any expert opinion or material that could justify so grave a conclusion. Such an approach not only reflects a manifest failure to appreciate the evidentiary weight of pre-independence documents but also renders the impugned order perverse and unsustainable in law.

13. The Committee has further rejected the petitioner's

claim on the ground of failure to establish the affinity test. It is a settled principle of law that where overwhelming pre-independence documentary evidence conclusively establishes tribal identity spanning multiple generations, the affinity test is rendered entirely irrelevant and superfluous for the affinity test, at best, supplements documentary evidence but can never supplant it. The Hon'ble Supreme Court in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra (2023) reported in AIR 2023 SC 1657**, has categorically held that the affinity test is not a litmus test, cannot be treated as conclusive either way, and that authentic pre-independence documents establishing tribal membership cannot be discarded. The Committee's own admission in its RTI reply dated 21.07.2022 that it possesses no knowledge whatsoever of the characteristics, affinity or social status of the Halba Tribe strikes at the very root of any affinitybased rejection and renders the same wholly unsustainable. The Committee has also erroneously applied area restriction, which stands expressly repealed by Section 4 of the Scheduled Castes and Tribes Orders (Amendment) Act, 1976, as affirmed by the Hon'ble Supreme Court in **Jaywant Pawar Vs. State of Maharashtra and Others, (2018) 5 SCC 975**, and any reliance thereon is wholly untenable and deserves to be rejected outright.

14. The Committee has further placed undue reliance upon

revenue entries in P1 and P2, proceeding to treat persons wholly unrelated to the petitioner as her blood relatives. This Court in Writ Petition No.547 of 2019 has categorically held that Atyaram Govinda, recorded as “Koshti” does not figure in the petitioner’s family tree, that owing to mere similarity of names the Vigilance Cell erroneously conflated Atmaram with a “Koshti” landholder as an ancestor of the petitioner, and that the 7/12 extract of the concerned agricultural land shows that, after consolidation, the said property stood transferred in the name of Chintaman Duma, who is not a member of the petitioner’s family. Notwithstanding this categorical and binding pronouncement, the Committee has once again chosen to rely upon the very same discredited contra entries, which constitute a flagrant disregard of a binding judgment of this Court. The conduct of two vigilance enquiries, in contravention of mandate of Rule 12(2) of the S.C./S.T. Act Rules and itself and indication that Committee was not engaged in objective verification but was actively endeavoring to invalidate the claim.

15. Without prejudice to the foregoing, even if certain ancestors of the petitioner were recorded as “Koshti” such entries cannot be treated as conclusive, for as held in **Pravin Parate Vs. Scheduled Tribes Caste Certificate Scrutiny Committee, Nagpur & Ors., 2013(1) Mh.L.J. 180**, an entry of “Koshti” must be read

alongside the profession recorded, since persons engaged in weaving were traditionally and colloquially referred to as “Koshti” irrespective of their tribal identity.

16. The Scrutiny Committee has also discarded the pre-independence school records on the ground of alleged discrepancies in ink and handwriting. Insofar as the school records of Raoji Atmaram Parate and Chintaman Raoji Parate are concerned, the Vigilance Cell has done no more than advert to certain perceived variations in ink in the registers and to the existence of a solitary promotion register entry recording the caste of Chintaman Raoji as “Koshti”. These observations, resting entirely upon a visual and untrained comparison of old registers, are plainly insufficient and legally inadequate to dislodge the old primary school records produced by the petitioner. Hon’ble Apex Court in **Sayana Vs. State of Maharashtra in Civil Appeal no. 6253 of 2009** has held that Scrutiny Committee is not vested with the expertise to adjudicate upon questions of handwriting, interpolation, or fabrication, and that a finding of forgery arrived at by mere visual comparison, without the support of any expert handwriting opinion.

17. We are, therefore, of the considered opinion that the impugned order dated 19.07.2023 passed by the Committee is unsustainable in law and is liable to be quashed and set aside.

Accordingly, we pass the following order :

**ORDER**

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 19.07.2023 passed by the Scheduled Tribes Caste Certificate Scrutiny Committee, Gondia, in Case No. 6ST/2012/11303, invalidating the caste claim of the petitioner as belonging to Halba Scheduled Tribe, is hereby quashed and set aside.
- (iii) The respondent Committee is directed to issue a caste validity certificate to the petitioner certifying her as belonging to 'Halba' Scheduled Tribe within a period of four weeks from the date of receipt of a copy of this order.
- (iv) Rule is made absolute in the above terms with no order as to costs.

**(NANDESH S. DESHPANDE, J.)**

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