



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

WRIT PETITION NO.1889 OF 2024

Shri Bhavesh Yashwant Banne,
Aged About 19 years, Occ. Student,
R/o. Dipak Chowk, Hanuman Basti,
Akola, Tq. & Dist. Akola.

...PETITIONER

VERSUS

1.The State of Maharashtra,
Through its Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai - 32.

2. The Scheduled Tribe Certificate
Scrutiny Committee, Amravati Division,
Amravati, Through its Deputy Director
and Member Secretary, Having Office At
Irvine Chowk, Amravati.

...RESPONDENTS

WITH

WRIT PETITION NO.1887 OF 2024

Ku. Sunita Manikrao Banne,
Aged About 59 years, Occ. Retired,
R/o. Dipak Chowk, Hanuman Basti,
Akola, Tq. & Dist. Akola.

...PETITIONER

VERSUS

1.The State of Maharashtra,
Through its Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai - 32.

2. The Scheduled Tribe Certificate
Scrutiny Committee, Amravati Division,

Amravati, Through its Deputy Director
and Member Secretary, Having Office At
Irvine Chowk, Amravati.

...RESPONDENTS

Mr. A.I. Sheikh, Advocate for the Petitioners.
Mr. H.D. Futane & Ms. H.S. Dhande, AGPs for the Respondents.

**CORAM : MRS. M. S. JAWALKAR &
NANDESH S. DESHPANDE, JJ.**

DATE OF RESERVING THE JUDGMENT : 10.02.2026

DATE OF PRONOUNCING THE JUDGMENT : 18.02.2026

JUDGMENT : (Per – Smt.M. S. JAWALKAR, J.)

. Heard finally by consent of learned Counsel for the
respective parties.

2. **RULE. Rule made returnable forthwith.**

3. The petitioners, by the above petitions, are
challenging the orders dated 10.07.2023 and 19.10.2023 passed
by the Respondent No. 2 - Scheduled Tribe Certificate Scrutiny
Committee, Amravati (for short the “Scrutiny Committee”)
thereby invalidating the claim of the Petitioners of belonging to
‘Mannewar’ Scheduled Tribe mentioned at Sr. No. 18 of the
Constitution (Scheduled Tribes) Order, 1950.

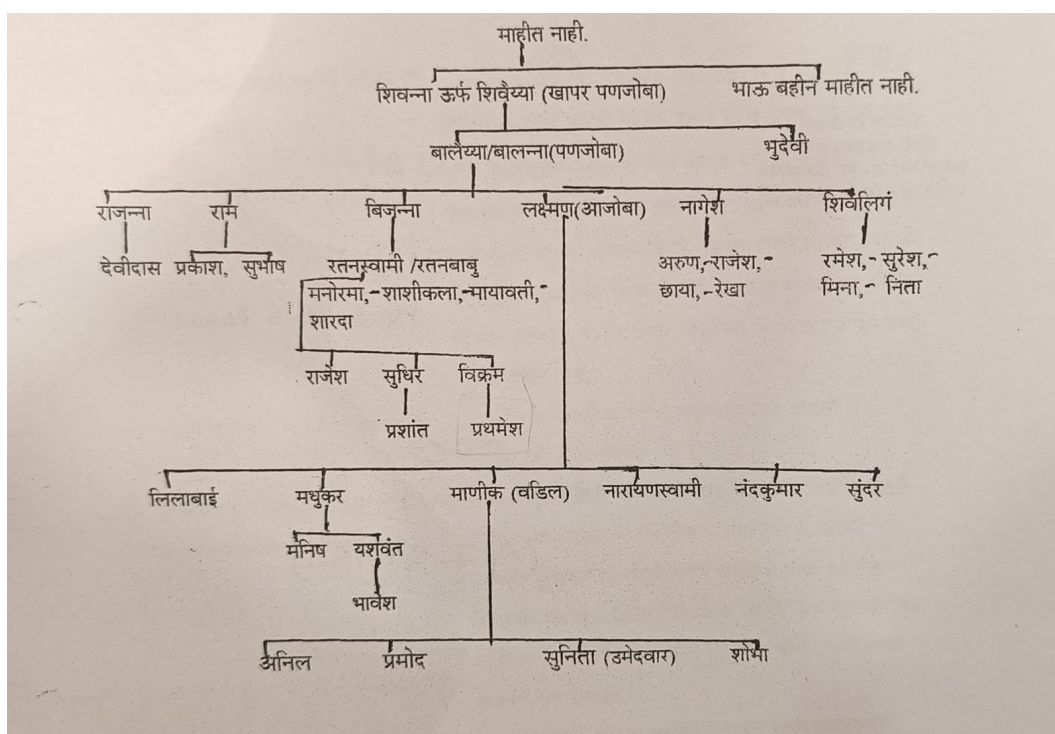
4. The Petitioners in both the Writ Petitions are in relation with each other. The Petitioner in Writ Petition No. 1887/2024 i.e. Bhavesh Yashwant Banne is the nephew of the Petitioner in Writ Petition No. 1887/2024 i.e. Sunita Manikrao Banne. Since Writ Petition No. 1889/2024 is treated as lead Petition, the facts and contentions stated in the said Petition are set out for adjudication of the issues involved in both the Petitions and they are being decided by this common judgment.

5. It is the contention of the petitioner that his proposal of tribe claim was forwarded by the College to the Respondent No.2 Committee on 02.04.2021. In support of his tribe claim, the Petitioner submitted the following documents of pre-constitutional period:

Sr. no	Document Type	Name of the person	Relation with the petitioner	Tribe	Date/Period
1.	Death Certificate	Bhudevi Shivanna Mannewar	Great Grandmother	Mannewar	07.06.1936
2.	Birth Certificate	Ratanbabu Bijanna Mannewae	Cousin Grandfather	Mannewar	30.10.1936
3.	School leaving certificate	Madhukar Laxman	Grandfather	Telugu Mannewar	20.06.1946

4.	Birth certificate	Birth of a child born to Laxman Balaiyya	Great grandfather		09.02.1948
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6. The family tree of the Petitioner is as under:-



7. The petitioner contended that the Vigilance Cell relied upon an alleged birth extract of a male child born to one Balaiyya showing the entry as “Telangi,” claiming him to be a blood relative of the petitioner. However, this person does not appear in the petitioner’s family tree. Another document relied upon by the Scrutiny Committee is a school extract dated 16.06.1950 relating to one Laxman Balanna with the tribe entry

“Telangi Dhobi.” The petitioner submits that this individual is not his great-grandfather; rather, his great-grandfather is Laxman Balaiyya, as clearly reflected in the family tree of the Petitioner. Further, reliance was placed on a death extract dated 27.10.1936 of Shivanna Mard Balaiya with the tribe entry “Telangi,” purportedly describing her as the wife of the petitioner’s great-great-grandfather. It is specifically contended that Shivanna Mard Balaiya does not fall within the category of blood relatives as defined in Section 2(h), as she was born in another family and married into the petitioner’s family.

8. It is further contended that the Vigilance Cell procured a birth entry dated 17.06.1936 of one Balaram, born to Balaiyya Shivayya, and another entry dated 07.06.1936 relating to one Bhudevi, born to Shivanna *alias* Shivayya. On this basis, the Enquiry Officer claimed that Balaiyya Shivayya was the petitioner’s great-great-grandfather and held it improbable that children could have been born to the great-great-grandfather and great-grandfather in the same month. This finding is specifically denied by the petitioner on the ground that Balaram is not his relative, and more importantly, that the entry dated

07.06.1936 pertains to the death extract of Bhudevi, who was born to Balaiiyya Shivanna.

9. Learned Counsel for the petitioners, in support of his contentions, placed reliance on the judgment dated 08/10/2025 passed by this Court in **Writ petition No.2896 of 2024 (Mr. Prathamesh S/o Vikram Banne vs. The Scheduled Tribe Certificate Scrutiny Committee, Amravati & another)**.

10. As against this, the learned AGPs for the respondents submitted that the following pre-constitutional documents were procured by the Vigilance Cell in its enquiry, which are adverse to the claim of the petitioner:-

Sr. No	Document Type	Name on the document	Relation with the petitioner	Tribe	Date
1.	Birth extract	A male child born to Balaiiyya Shivaaiyya	Great Grandfather	Telangi	17.06.1936
2.	Birth Record	A female child born to Shivanna Balaiiyya	Wife of Great Grandfather	Telangi	27.10.1936
3.	Dakhal Kharij Extract	Sundar Swami Laxman	Paternal Uncle	Telgu	16.08.1941

4.	Dakhal Kharij Extract	Shriniwas Baliyya	Cousin Grandfather	Telangi	03.07.1942
5.	Birth Record	A male child born to Laxman Balaiyya	Grandfather	Telgu	07.02.1948
6.	Dakhal Kharij Extract	Madhukar Laxman Banne	Cousin Aunt Paternal Side	Telangu Mannewar	07.06.1931
7.	Dakhal Kharij Extract	Laxman Balanna	Grand-father	Telangi Dhobi	16.06.1950

11. The Respondent No. 2 - Committee further relied on certain adverse entries which were obtained by Vigilance Officer during the course of enquiry of Ku. Sunita Manik Banne i.e. the Petitioner in Writ Petition No.1887 of 2024. In these documents, the tribe was found to be recorded as Telangi, Telgu, Telangi Dhobi, Telagu Mannewar, Hindu Telagu Mannewar, and Telangu, pertaining to the years 1936, 1941, 1942, 1948, 1949, 1950, 1951, 1970, 1971, 1972, 1975 & 1980.

12. The Respondent No. 2 – Scrutiny Committee contended that the Petitioner did not prove his tribe claim to be 'Mannewar' and on the basis of the documents procured by the Vigilance Cell showing tribe as Telangi' or 'Telgu', the tribe claim of the Petitioner was rightly rejected by the Respondent No. 2 -

Committee. Hence, the learned AGPs pray for dismissal of the Writ Petitions.

13. Heard learned Counsel for the respective parties at length. Perused the impugned order, record and proceedings of the Caste Scrutiny Committee and considered the citation relied on by the learned Counsel for the petitioners.

14. The petitioner, in support of his contentions, produced the death extract of Bhudevi Shivanna Mannewar dated 07/06/1936 (Page-123), a birth certificate of Ratanbabu Bijanna Atmaram showing entry of 'Mannewar' dated 30/10/1936(page-125). He has also placed on record the extract of school leaving certificate of Madhukar Laxman Banne showing entry as "Telgu Mannewar' dated 20/06/1946.

15. The Vigilance Cell procured some documents showing entry 'Telangi', 'Telgu', 'Telgu Mannewar'. Out of these documents, 1936 document pertaining to Shivamma w/o Balaiyya Telangi is in respect of wife of great grandfather of

the Petitioner, which cannot be taken into consideration by the Scrutiny Committee. Similarly, the entries in the documents at Sr. Nos. 3 and 8 also cannot be considered by the Scrutiny Committee as they are not in relation with the Petitioner from the paternal side. It appears that the Caste Scrutiny Committee, relying only on the documents procured by the Vigilance Cell, wrongly invalidated the tribe claim of the petitioner.

16. As now discussed above, in the documents produced by the petitioner, specifically the birth extracts of Ratanbabu Mannewar and Ratanbabu Bijanna Atmaram of 1936 and 1942 respectively, there is entry of 'Mannewar'. The Scrutiny Committee has only discussed the documents procured by the Vigilance Cell. In the said documents also, 2-3 entries are of female members, which cannot be relatives in terms of Rule 2(h) of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012.

17. This Court in **Writ Petition No. 6341/2022 (Khushali d/o Devidas Lade Vs. State of Maharashtra & Anr.,** has dealt with the similar issue as in the present case. In the said judgment, in Paragraph Nos. 11, 12 & 13, it is held as under:

"11. The fact remains that 'Telugu' is not identified as a caste in any of the statutory provisions or otherwise. 'Telugu' is the official language spoken by the people like petitioner's family members and declared in the Eighth Schedule appended to the Constitution of India. Similarly, Manyawar', Telegu any of the public documents which can be said to be other than the scheduled tribes. In such an eventuality, the observations of the Committee that the documents contain tribe entries as Telugu, Telugu Manyawar and Manyawar' cannot be relied on for the purposes of rejecting the tribe claim of the petitioner.

12. Rather the entries in the documents which are relied upon by the petitioner duly depicts that the same pertain to the pre-Constitutional era and it has more evidentiary and probative value. All the documents produced by the petitioner point out that her ancestors were belonging to 'Mannewar' and as such the said fact fortifies her claim of belonging to 'Mannewar' Scheduled Tribe. As such, the old document of 1934 can be safely relied on for the purposes of grant of tribe validity certificate in favour of the petitioner.

13. Apart from above, though a finding is recorded by the Committee that the petitioner has failed to satisfy the affinity test, the fact remains that the satisfaction of the affinity test can be considered to be in aid for the purposes of further confirmation of the claim for grant of validity. The Apex Court had an occasion to consider the reliance to be placed by the Committee in the matter of grant of validity certificate based on the affinity test."

18. Similar view has already been taken by this Court in the judgment in *Writ Petition No.360 of 2022 (Surendra Murlidhar Kopulwar v. The State of Maharashtra and others)* dated 19/10/2022. By relying on the judgment in the case of *Shri Anil Ramdas Mede v. State of Maharashtra, 2004 (4) ALL MR 639*, this Court held in Paragraph No. 3 as under:

"3. So far as the finding recorded by the Scrutiny Committee that there are confusing entries relating to the paternal side of the petitioner in the pre-constitutional documents, we are of the view that there is no confusion whatsoever in these entries. All these entries, particularly the entries of the dates of 10-7-1924 and 20-10-1934, clearly show that the paternal aunt and the cousin grandfather of the petitioner belonged to 'Manewar' community, which has been later on declared to be a Scheduled Tribe. In some other pre-constitutional documents, the ancestors of the petitioners have been shown to be 'Telangi' or 'Telgu Manewar' or 'Telgu'. It is well settled that 'Telangi' is the region of which the community 'Manewar' is native, while 'Telgu' is the language spoken by the community 'Manewar', now the Scheduled Tribe. A useful reference in this regard can be made to the view taken by this Court in the case of *Shri Anil Ramdas Mede Vs. State of Maharashtra*, reported in 2004(4) ALL MR 639. It then follows that all the pre-constitutional documents on which reliance has been placed by the petitioner reasonably and sufficiently support the claim of the petitioner of his belonging to 'Manewar', Scheduled Tribe. This aspect of the matter, vital for determination of the issue involved in this case, has been completely ignored by the Scrutiny Committee and, therefore, the impugned order passed by the Committee is not sustainable in the eye of law."

19. This Court in the judgment dated 24/11/2025 passed in Writ Petition No.7256 of 2024 (Sharayu D/o Ramesh Hedao vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, through its Member Secretary and Deputy Director, Dist. Amravati), relying on the judgment of Mangesh s/o Panditrao Thakur v. The State of Maharashtra in Writ Petition No.14111 of 2021 and other connected matters, held as under:

"21. It is one of the contention that the caste certificate was invalidated in respect of uncle of the petitioner i.e. Dhananjay Katole. However, he has not challenged the same. Therefore, it has attained finality.

22. Learned Counsel for petitioner relied on Mangesh s/o Panditrao Thakur (supra), wherein, this Court held in paragraph No. 13 as under:

"13. True it is that there is an invalidation of Jyoti Narayan Vishve's certificate and the order has attained finality right up to the Supreme Court. However, we have been consistently holding that the decision of the scrutiny committee would only bind the claimant and would not bind the blood relatives, for the simple reason that they are not parties to such adjudication and that a blood relative may be able to substantiate his claim by leading cogent and relevant evidence sufficient enough to discharge the burden cast upon him under section 8 of the Maharashtra Act No. XXIII of 2001."

20. Learned AGPs submitted that while rejecting the documents, the Committee relied on the entry of Balaiyya

Shivayya's birth of 1936 and the death entry of Sayanna Balaiyya of 1931. The Caste Scrutiny Committee also rejected the claim on the basis of affinity test. While coming to the conclusion that the petitioner has not cleared the affinity test, there is no standard format to come to this conclusion. There is no specific standard that what are the custom, culture and tradition of Mannewar Scheduled Tribe. In the judgment in *Anand v. Committee for Scrutiny and Verification of Tribe Claims others*, (2012) 1 SCC 113, the Hon'ble Apex Court held as under:

"22. It is manifest from the aforeextracted 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 forestablishing 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."

21. In view of proposition laid in the above referred judgments passed by this Court and the Hon'ble Supreme Court, we are of the considered opinion that the impugned orders passed by the Respondent No. 2 - Scrutiny Committee are

patently illegal and do not sustain the scrutiny of law, and therefore, are liable to be quashed and set aside.

22. Accordingly, we proceed to pass the following order:-

(i) The Writ Petitions are **allowed**.

(ii) The impugned order dated 10.07.2023 and 19.10.2023 passed by the Respondent No. 2 - Scheduled Tribe Certificate Scrutiny Committee, Amravati in Case No. प्रकरण क.सआ/अजप्रतस/अम/5/501/Edu/042021/182123 and Case No. प्रकरण क.सआ/अजप्रतस/अम/5-ST/2006/10028 respectively are hereby quashed and set aside.

(iii) It is held and declared that the petitioners have duly established that they belong to "Mannewar" Scheduled Tribe.

(iv) The Respondent No. 2 - Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati is hereby directed to issue validity certificates of "Mannewar" Scheduled Tribe to the Petitioners within a period of

three weeks from the date of receipt of copy of this judgment.

(v) The petitioners can rely on this judgment till the certificates are issued in their favour.

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

(NANDESH S. DESHPANDE J.)

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

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