



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

WRIT PETITION NO. 2735 OF 2024

Shri. Anshu Pradeep Gudhewar,
Aged about 19 years, Occ.- Student,
Ongoing Education, BE, Mechanical
Engineering, R/o. Plot No.280/B
Near Gajanan Mandir, New Balaji Nagar
(Parvati Nagar) Nagpur, Maharashtra -
440027, M. 7499125310,
E-mail.anshul.gudhewar@gmail.com

.... **PETITIONER**

// **VERSUS** //

- 1) **The Scheduled Tribe Certificate Scrutiny
Committee, Gondia**
Through its Member Secretary,
Collector office, Gondia – 441614
Email.tcscgondia@gmail.com

- 2) **The K. D. K. College of Engineering,**
Through its Principal,
Great Nag Road, Nandanwan
Nagpur – 440009.
e-mail.Kdkce4147@gmail.com

.... **RESPONDENTS**

Mr. N. D. Jambhule, Advocate for the Petitioner.
Mrs. Mrunal Naik, Assistant Government Pleader for
the Respondent No.1.
Ms. Mahak Agrawal, Advocate holding for Mr. A. J. Pathak,
Advocate for the Respondent No.2.

**CORAM : SMT. M.S. JAWALKAR, AND
NANDESH S. DESHPANDE, JJ.**

DATE : 12th JANUARY, 2026.

ORAL JUDGMENT : (Per : SMT. M.S. JAWALKAR, J.)

1. Heard learned Counsel for the Petitioner and learned Counsel for the Respondents.

2. **RULE.** Rule is made returnable forthwith. Heard finally with the consent of the learned Counsel appearing for the parties.

3. By this Petition, the Petitioner is challenging the order dated 22/09/2023, passed by the Scheduled Tribe Certificate Scrutiny Committee, Gondia, thereby invalidating the tribe claim of the petitioner belonging to 'Mana' Scheduled Tribe.

4. The Petitioner placed on record many documents including following documents prior to 1950 :

Sr. No.	Nature of document	Name	Relation with the petitioner	Caste	Date/year
1	P 1 Bandobast Misal	Raoji Bapu Vald Vyankatrao Bapu Jamidar	Great Great grandfather	Mana	1919-20
2	Birth Extract	Daji Mana	Great grandfather	Mana	18/1/1927
3	P 6 Jamabandi	Daji Bapu Nambardar, Saouji S/o Raoji Bapu Mana	Great grandfather	Mana	1948-49

5. The petitioner has also placed on record validity certificates issued in favour of his father Pradip Vishwanath

Gudhewar, his real brother Ankush Pradip Gudhewar and his real sister Ankita Pradip Gudhewar.

6. Per contra, the learned Counsel for Scrutiny Committee contended that, the petitioner failed to prove his tribe claim by way of documentary evidence as blood relative's entries of caste is recorded as 'Mani'. It is further contended that in view of Section 8 of the Maharashtra Act No.XXIII of 2001, the burden of proving the caste claim squarely lies on the petitioner, which he has failed to discharge. Accordingly, the respondents submit that the order passed by the respondent No.1-Scrutiny Committee is just, proper, and based on the material available on record.

7. It is pertinent to note that that validity certificate issued in favour of father of the petitioner i.e. Pradip Vishwanath Gudhewar is concerned, it was issued after due vigilance inquiry. The oldest document which is placed on record by the petitioner is of the year 1919-20, showing his great great grandfather's caste as 'Mana' at P-1. The another document is of 1948-49 in respect of Daji Bapu S/o Raoji Bapu, wherein the caste is shown as 'Mana'. The Scrutiny Committee has not given any consideration to these old documents and also has not considered the validity certificates

issued in favour of the father, real brother and sister of the petitioner. The said validities are not considered only on the ground that the then Committee issued the validity certificates on the basis of judgment given in the cases of *Shubham Sharad Gadmade*, *Gitesh Narendra Ghormare*, *Pankaj Sitaram Bhonde*, etc., however, on perusal of the order in respect of father of the petitioner, which is a reasoned one. The then Caste Scrutiny Committee considered the document of 1919-20, 1931 and subsequent documents showing entry as 'Mana' consistently, procedure as per Rule 12(2) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003 is also followed and Vigilance Cell verified the genuineness of documents. In view thereof, the Scrutiny Committee ought to have granted the claim of the petitioner. Needless to mention here that in view of the judgment in *Apoorva D/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1, & Ors., 2010(6) Mh.L.J. 401*, the Caste Scrutiny Committee erroneously rejected the claim of the Petitioner. What is held in *Apoorva D/o Vinay Nichale* (supra) as under :

“9. In the circumstances, we are of the view that the committee which has expressed a doubt about the validity of caste claim of the petitioner and has described it as a mistake in its

order, ought not to have arrived at a different conclusion. The matters pertaining to validity of caste have a great impact on the candidate as well as on the future generations in many matters varying from marriage to education and enjoyment, and therefore where a committee has given a finding about the validity of the caste of a candidate another committee ought not to refuse the same status to a blood relative who applies. A merely different view on the same facts would not entitle the committee dealing with the subsequent caste claim to reject it. There is, however, no doubt as observed by us earlier that if a committee is of the view that the earlier certificate is obtained by fraud it would not be bound to follow the earlier caste validity certificate and is entitled to refuse the caste claim and also in addition initiate proceedings for cancellation of the earlier order. In this view of the matter, we are of the view that the petition must succeed.”

8. There are no adverse or contra entries procured by the vigilance cell. As already held, the Caste Scrutiny Committee is having no power to review nor it can treat validity certificate issued in favour of blood relatives of the petitioner as illegal, unless there is a findings of fraud or suppression of fact. There is no such findings recorded by the Caste Scrutiny Committee. As such, in view of the validity certificates issued in favour of father, real brother and sister of the petitioner, the Caste Scrutiny Committee ought to have issued the validity certificate to the

petitioner. The old documents prior to 1950 is having more probative value and it cannot be simply brushed aside.

9. Thus, the order passed by the Respondent Caste Scrutiny Committee is erroneous, perverse and cannot sustain in the eyes of law and is liable to be quashed and set aside. Accordingly, we proceed to pass following order :

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 22/09/2023, passed in case No. JC/TCSC/Gondia/1/363/36/2022, passed by the respondent No.1 – Scheduled Tribe Certificate Scrutiny Committee, Gondia is hereby quashed and set aside.
- (iii) It is declared that the Petitioner duly established that he belongs to “Mana” Scheduled Tribe.
- (iv) The Respondent Scheduled Tribe Caste Certificate Scrutiny Committee, Gondia is hereby directed to issue the validity certificate of “**Mana**” Scheduled Tribe to the Petitioner within a period of four weeks.

10. Rule is made absolute in the above terms. No order as to costs. Pending application(s), if any, stand(s) disposed of.

(NANDESH S. DESHPANDE, J.)

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