



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2800 OF 2024

1. Namrata D/o. Gajanan Sorte,
Aged about 27 years, Occ.-
Service, R/o Tuptalali, Tq. Digras,
District Yavatmal – 445203.

... PETITIONER

...VERSUS...

1. The Scheduled Tribes Caste
Certificate Scrutiny Committee-
through its Member Secretary
and Deputy Director,
Dist. Yavatmal.
2. The State of Maharashtra,
Department of Public Health
through its Commissioner &
Director of Health Services,
National Health Mission,
Mumbai.
3. The Medical Superintendent,
Regional Psychiatric Hospital,
Chhindwada Road, Nagpur – 30.
4. The Deputy Director, Health
Services, Nagpur Board,
Matakacheri Campus, Dakshin
Ambazari Road, Shradhanandpeth,
Nagpur-22.

...RESPONDENTS

Ms. Rashmi Nagrare alongwith Mr. Ashwin Deshpande, Advocate for
petitioner.

Ms. H. S. Dhande, AGP for respondent(s)/State.

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

RESERVED ON : 16th MARCH, 2026.
PRONOUNCED ON : 30th MARCH, 2026.

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

1. Heard. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.
2. The petitioner has filed this writ petition challenging the impugned order dated 13.03.2024 passed by Respondent No. 1, the Scheduled Tribes Caste Certificate Scrutiny Committee, Yavatmal (for short "the Committee"), invalidating her caste claim as belonging to Halbi Scheduled Tribe and cancelling her caste certificate dated 22.09.2016. The petitioner further challenges the consequential termination order dated 15.04.2024 passed by Respondent No. 4.
3. The petitioner submitted her proposal for verification of caste claim on 03.10.2016. She was thereafter selected for the post of Attendant, appointed vide order dated 27.02.2024 and joined

service on 28.02.2024. The impugned invalidation order was passed on 13.03.2024, consequent to which the termination order dated 15.04.2024 came to be passed.

4. We have heard Ms. Rashi Nagrare along with Shri Ashwin Deshpande, learned counsel for the petitioner and Mrs. H.S. Dhande, learned Assistant Government Pleader for the respondents.

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

Sr. No.	Document Type	Name	Relation to Petitioner	Date	Caste
1	Birth Register Extract	Raghoji Piraji Halbi	Great Grandfather	04.11.1931	Halbi
2	Birth Register Extract	Raghoji Piraji Halbi	Great Grandfather	18.08.1941	Halbi
3	Birth Register Extract	Tatya Piraji Halbi	Cousin Great Grandfather	17.03.1942	Halbi

6. Learned counsel submits that the genuineness and authenticity of the pre-1950 documents has neither been examined nor have any of these documents has been found to be bogus or fabricated, and all of them unequivocally establish the petitioner's caste as Halbi Scheduled Tribe.

7. It is further submitted that the claim has been erroneously rejected on the ground of failure to establish the affinity test, even though no expert enquiry by recording evidence of customs, usages and practices was conducted as mandated by law. When documents conclusively establish tribal identity, the affinity test becomes wholly irrelevant.

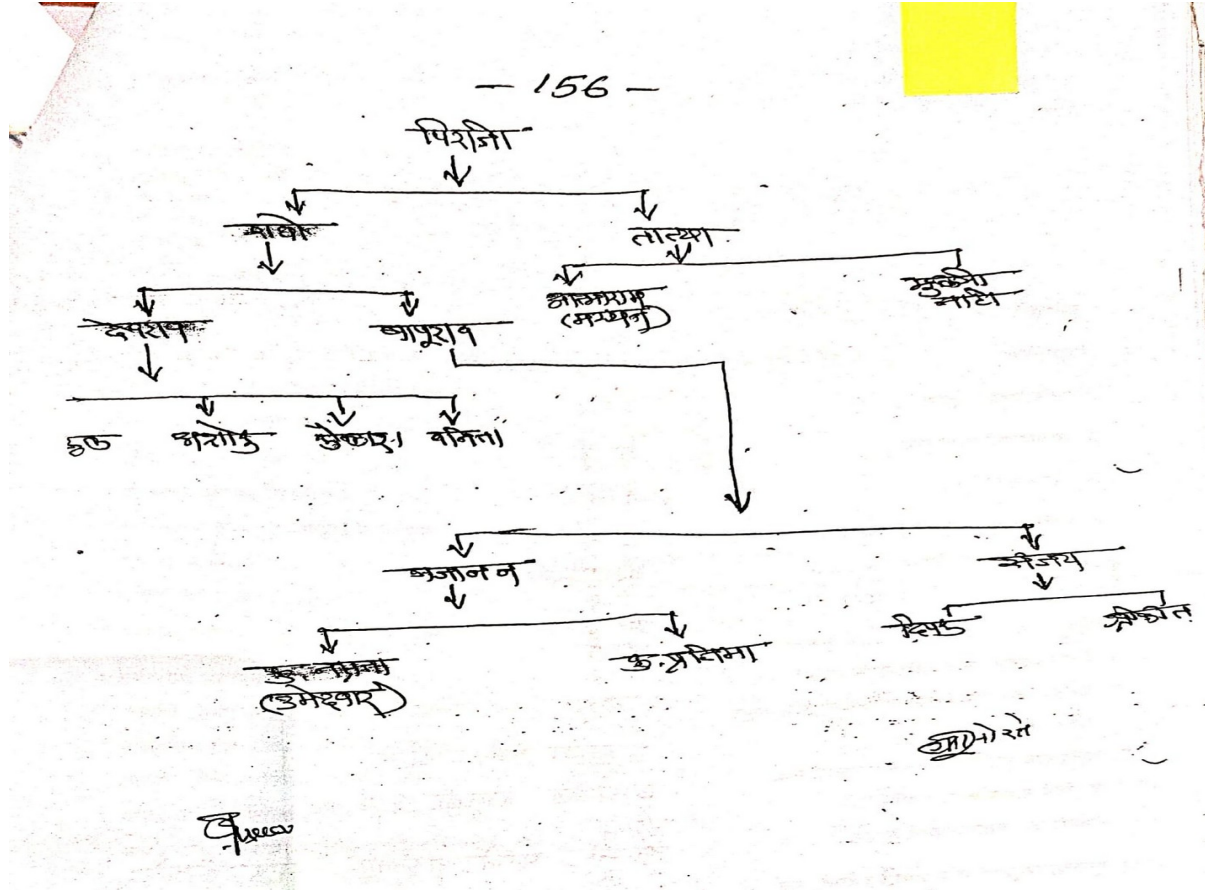
8. Learned counsel further submits that the contra entries showing "Koshti", "Halba Koshti" and "Hind Halba" do not belong to the petitioner's family, as the persons named therein do not appear in the undisputed family tree. "Koshti" was an occupation denoting weaving and was introduced as a caste only in 1995 vide Government Resolution in the SBC category. The documents of Raghoji Piraji Halbi and Tatyra Piraji Halbi of 1931, 1941 and 1942

found by the Vigilance Cell itself record caste as "Halbi" and the same were completely ignored by the Committee.

9. It is further submitted that Rule 2(f) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003 restricts "relative" to a blood relative from the paternal side only. The documents at Sr. No. 1 to 7 at Pages 5 and 6 of the impugned order do not pertain to the paternal side of the petitioner and were therefore wholly impermissible to be relied upon.

10. Reliance is placed on *Kumari Madhuri Patil v. Addl. Commissioner, Tribal Development*, (1994) 6 SCC 241; *Anand v. Committee for Scrutiny and Verification of Tribe Claims*, (2012) 1 SCC 113; *Apoorva Nichale v. Divisional Caste Scrutiny Committee*, (2010) 6 MHLJ 401; and *Priya Parate*, 2013 (1) MHLJ 180.

11. Genealogical tree is as under:-



12. Per contra, Mrs. H.S. Dhande, learned Assistant Government Pleader for the respondents filed a reply and supported the impugned order. It is submitted that the father of the petitioner himself admitted before the Committee on 28.12.2022 that the pre-Constitutional entries were wrongly written as "Haalbi" and that no one in the family had ever obtained a validity certificate from the Committee.

13. The Vigilance Cell upon re-enquiry found the following contra entries:

Sr. No.	Document Type	Name	Relation	Caste	Date
1	Caste Certificate	Pallavi Kishor Kusare	Sister-in-law of sister of cousin aunt	Koshti	02.09.2010
2	Caste Certificate (SDO, Pusad)	Kishor Dattatray Kusare	Sister-in-law of sister of cousin aunt	Koshti	02.12.2004
3	School Record (Z.P. School Umarkhed)	Dattatray Sonba Kusare	Grandfather of sister-in-law of sister of cousin aunt	Koshti	21.07.1953
4	Caste Certificate (SDO, Pusad)	Poonam Anil Kusare	Cousin sister of sister-in-law of sister of cousin aunt	Halba Koshti	01.07.1956
5	School Record (Z.P. School Dhanki)	Prabhakar Sonba Kusare	Grandfather of sister-in-law of sister of cousin aunt	Koshti	01.09.2009
6	Birth Extract (Mauje Dhanki)	Male child born to Nago	Great grandfather of sister-in-law of sister of cousin aunt	Koshti	08.05.1934

14. It is submitted that the relatives of the petitioner namely Shravani Sunil Kusare, Rukhmini Dagadu Nandanwar and others have had their tribe claims invalidated by the Committee. Further, petitioner has also failed to establish socio-cultural affinity with

Halbi Scheduled Tribe. Reliance is placed upon *State of Maharashtra v. Milind Katwaria*, (2001) 1 SCC 4.

15. We have carefully considered the rival submissions and have perused the documents placed on record. The petitioner claims to belong to 'Halbi' Scheduled Tribe which appears at Sr. No. 19 in the Presidential (Scheduled Tribes) Order, 1950.

16. At the outset, it is significant to note that in the first Vigilance Cell report dated 15.12.2022, the Vigilance Officer obtained and, verified the birth register entries dated 09.11.1931, 18.08.1941 and 17.03.1941, obtained certified copies thereof and found that the entries were tallied and the genealogical relationships clearly established. The Vigilance Cell thus unequivocally confirmed the genuineness of the petitioner's pre-Constitutional documents in its first report. Notwithstanding these clear findings, the Committee ordered a second Vigilance Cell enquiry which appears to have been undertaken not for any legitimate purpose but with a view to procuring adverse material against the petitioner so as to engineer a predetermined conclusion of invalidation. The Committee has conspicuously discarded the findings of its own first Vigilance Cell

report and selectively relied upon the second report, a course of action that is wholly inconsistent, mala fide in approach and reflects manifest non-application of mind.

17. The petitioner has thus placed on record pre-Constitutional documents dating back to 1931, 1941 and 1942, the authenticity whereof stands confirmed by the Vigilance Cell's own first report. As held by the Hon'ble Supreme Court in *Anand v. Committee for Scrutiny and Verification of Tribe Claims*, (2012) 1 SCC 113, pre-Constitutional documents carry the greatest probative value and must be accorded primacy. The Committee's decision to discard these documents in the face of its own Vigilance Cell's confirmation of their genuineness renders the impugned order perverse and wholly unsustainable.

18. This Court is constrained to record its strong displeasure at the conduct of the Committee. The Committee discarded findings of its own first Vigilance Cell report which had confirmed the genuineness of the petitioner's oldest documents and instead initiated a second enquiry solely to procure adverse material resulting in the petitioner losing her employment. Such conduct is

contumacious and warrants imposition of exemplary costs. Accordingly, costs of Rs. 25,000/- are imposed upon the respondent Committee, payable to the petitioner within four weeks from the date of receipt of a certified copy of this order.

19. The contra entries showing "Koshti", "Halba Koshti" and "Hindu Halba" relied upon by the Committee do not withstand scrutiny. The family tree of the petitioner has not been disputed and has been verified by the Vigilance Officer. The persons named in the contra entries do not appear anywhere in the petitioner's undisputed family tree and have no established genealogical connection with the petitioner's paternal lineage. As per Rule 2(f) of the Rules of 2003, documents not pertaining to the paternal side of the petitioner were wholly impermissible to be relied upon. Furthermore, as this Court held in *Priya Parate*, 2013 (1) MHLJ 180, Halbis in the erstwhile Ellichpur and Anjangaon Surji regions were engaged in weaving and were called 'Koshti', indicative of occupation and not caste, introduced as a caste only in 1995 vide Government Resolution.

20. The rejection on the ground of affinity test is equally unsustainable. When pre-Constitutional documentary evidence conclusively establishes tribal identity confirmed by the Vigilance Cell itself the affinity test becomes irrelevant. No expert enquiry by recording evidence of customs, usages and practices was conducted as mandated in *Kumari Madhuri Patil* (supra). Rejection on the ground of affinity test alone, without expert enquiry and against conclusive documentary evidence, is manifestly perverse.

21. In view of the foregoing, we are of the considered opinion that the impugned order dated 13.03.2024 is unsustainable in law, is founded upon perverse and selective appreciation of evidence, is violative of Rule 2(f) of the Rules of 2003, and is contrary to the findings of the Committee's own first Vigilance Cell report. The impugned order and the consequential termination order dated 15.04.2024 are accordingly liable to be quashed and set aside. We therefore pass the following order:

ORDER

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 13.03.2024 passed by the Scheduled Tribes Caste Certificate Scrutiny Committee, Yavatmal, invalidating the caste claim of the petitioner as belonging to Halbi Scheduled Tribe and cancelling her caste certificate dated 22.09.2016, 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 Halbi Scheduled Tribe within a period of four weeks from the date of receipt of a certified copy of this order.
- (iv) The consequential termination order dated 15.04.2024 passed by Respondent No. 4 is hereby quashed and set aside.
- (v) Respondent Nos. 3 and 4 are directed to reinstate the petitioner on her original post of Attendant within a period of four weeks from the date of receipt of a certified copy of this order, with all consequential service benefits.

(vi) The respondent no. 1 - The Scheduled Tribes Caste Certificate Scrutiny Committee shall pay cost of Rs. 25,000/- (Rupees Twenty Five Thousand) in the "Public Welfare Account" bearing Account No. 129712010001014 (IFSC Code: UBIN0812978) in the Union Bank of India, Branch High Court, Civil lines within a period of four weeks from today.

(NANDESH S. DESHPANDE, J.)

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

Shubham