



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

**WRIT PETITION NO. 2813 OF 2024
WITH
WRIT PETITION NO. 2812 OF 2024**

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WRIT PETITION NO. 2813 OF 2024

Shri Sarvesh Bapurao Randai,

Aged about 17 years, Occu. - Student

(Aspirant of Engineering Education),

Natural Guardian Father :-

Bapurao Kawadu Randai,

R/o Plot No. 843/E, New Nandanwan,

Near Shyamdham Mandir,

Nagpur- 440009, M-7722067995.

email.serveshrandai@gmail.com

.... **PETITIONER**

// **VERSUS** //

The Scheduled Tribe Certificate

Scrutiny Committee, Nagpur

Through its Member Secretary,

Giripeth, Nagpur – 440 010.

Email: tcscnagpur@gmail.com

.... **RESPONDENT**

WITH

WRIT PETITION NO. 2812 OF 2024

Shri. Aman Pundlik Randai,

Aged about 22 years, Occu.- Student

(Aspirant to 3 Year LLB Education),

R/o At Wani Po: Nand, Tah. Bhiwapur

Dist. Nagpur- 441203, M-9146732193

email.amanrandai2001@gmail.com

.... **PETITIONER**

// VERSUS //

The Scheduled Tribe Certificate

Scrutiny Committee, Nagpur

Through its Member Secretary,

Giripeth, Nagpur – 440 010.

Email: tcscnagpur@gmail.com

.... **RESPONDENT**

Mr. S. P. Khare, Advocate with Mr. N. D. Jambhule,
Advocate for the Petitioners.

Mr. N. R. Patil, Assistant Government Pleader for
Respondents.

CORAM : MRS. M. S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.

DATE ON RESERVING THE JUDGMENT : 10/03/2026

DATE ON PRONOUNCING THE JUDGMENT : 08/04/2026

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

1. Heard. **Rule.** Rule is made returnable forthwith.
Matters are taken up for final hearing at the stage of admission
by consent of the parties.

2. The Petitioner in Writ Petition No. 2813/2024 is the
cousin brother of the Petitioner in Writ Petition No. 2812/2024,
hence, both these petitions are decided by this common
judgment and the Writ Petition No. 2813/2024 shall be
considered as the lead petition.

3. The Petitioners by these petitions are challenging the orders dated 18.01.2024 and 16.01.2024 passed by the Respondent Caste Scrutiny Committee, Yavatmal, thereby invalidating the caste claims of the Petitioners to the 'Mana' Scheduled Tribe, which is enlisted under the Scheduled Tribe Order, 1950.

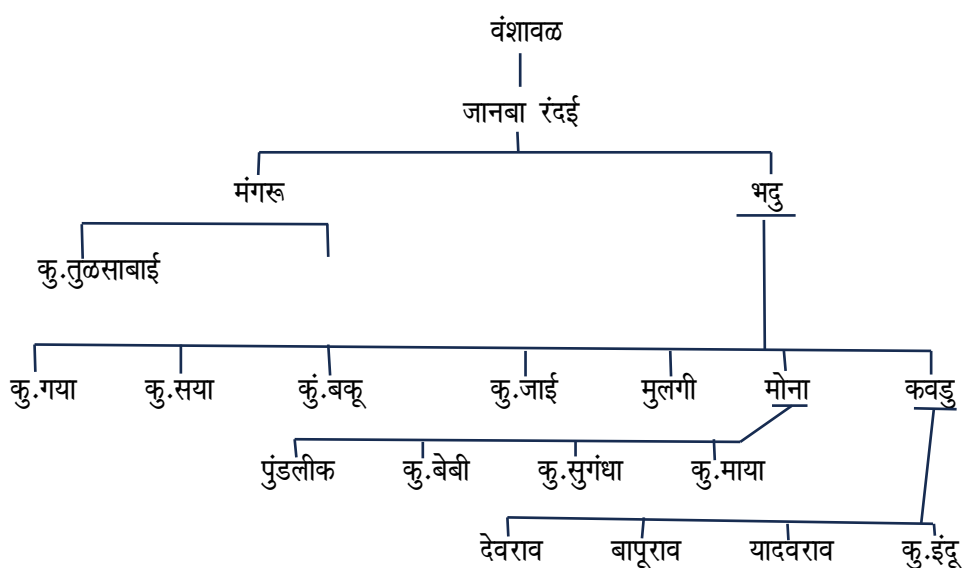
4. The Petitioner in Writ Petition No. 2813/2024 submitted his caste claim to the Respondent Committee on 08.05.2023 whereas the Petitioner in Writ Petition No. 2812/2024 submitted his caste claim to the Respondent Committee on 14.07.2022. The Respondent Committee conducted a Police Vigilance inquiry and issued show cause notice to the Petitioners on 06.06.2023, to which the Petitioners duly submitted their reply. By its order dated 18.01.2024 and 16.01.2024, the Respondent Committee invalidated the tribe claim of the Petitioners.

5. In support of their tribe claim, the Petitioners have submitted following documents of pre-constitutional period:

Sr. No.	Description of Document	Caste	Date
1	Land Record P1 (Bandobast Misal) Dhanya S/o Rama (Cousin Great Great Grandfather of the Petitioner)	Mana Kunbi	1912-1917
2	Birth Extract of Female Child 'Gaya' born to Bhadya Mana	Mana	14.01.1930

6. The Petitioners further submitted that, apart from the documents of pre-constitutional period, a Validity Certificate is also issued to Bapurao Randai, who is the father of the Petitioner in Writ Petition No. 2813/2024 and the Cousin Uncle of the Petitioner in Writ Petition No. 2812/2024.

7. The Family Tree submitted by the Petitioner is reproduced herein:



8. The learned Counsel for the Petitioners relied upon the following Citations in support of their claim:

- (i) Writ Petition No. 3649/2021 (Vinod Zingarji Chaudhari .vs. The Scheduled Tribe Certificate Scrutiny Committee, Nagpur & Ors.) dated 30.09.2025;
- (ii) State of Maharashtra & Ors. vs. Mana Adim Jamat Mandal, (2006) 4 SCC 98;
- (iii) Mana Adim Jamat Mandal vs. State of Maharashtra & Ors., 2003(3) Mh.L.J. 513;
- (iv) Kunda Vishwanath Ghodmare vs. Committee for Scrutiny and Verification of Tribes Claims & Ors., Civil Appeal No.8189/2001 with other connected matters, dated 16.01.2008;
- (v) Curative Petition (Civil) No.4/2008 in R.P (Civil) No.488/2006 in Civil Appeal No.5270/2004, State of Maharashtra & Ors. vs. Mana Adim Jamat Mandal, dated 26.02.2008;
- (vi) Writ Petition No. 5102/2021 (Ku. Ankita d/o Gautam Gadmade vs. The State of Maharashtra & Ors., dated 12.10.2022;
- (vii) Writ Petition No. 8298/2019 (Prathamesh Ravindra Thakur through his father & natural guardian vs. State of Maharashtra & ors.) dated 30.07.2019;
- (viii) Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra & Ors., 2023(2) Mh.L.J. 785 and
- (ix) Writ Petition No. 472/2020 (Ishwar s/o Naga Bondalwar & Anr. vs. The District Caste Certificate Scrutiny Committee, Gadchiroli & Ors.), dated 26.07.2021.

9. *Per Contra*, The Respondent Caste Scrutiny Committee, in its Reply, contended that, the Petitioner has

submitted a single old document of the year 1930 in support of his tribe claim which is not related to the family of the Petitioner, in fact, it is related to one Shri Bisan Barekar. It is further contended that, all the other old documents submitted by the Petitioner states the caste as “Mana Kunbi”, wherein it can be inferred that ‘Kunbi’ is a separate O.B.C caste than ‘Mana’ Schedule Tribe.

10. It is further contended by the Respondent Committee that the Petitioners failed to establish Socio-Cultural Affinity towards ‘Mana’ Scheduled Tribe and therefore the claims of the Petitioners were rightly rejected by the Respondent Committee.

11. Heard learned Counsel for the respective parties at length. Perused the record and proceedings with the assistance of the learned Additional Government Pleader and considered the citations relied on by the learned Counsel for the Petitioners.

12. It appears that out of these documents, two documents produced by the Petitioner were pre 1950 period, whereas one document showing entry as ‘Mana’ is of 1938

found in vigilance enquiry. So far as document of P1 (Bandobast Misal) of village Dhamangaon in respect of Dhanya S/o Rama, there is an entry of 'Mana Kumbi', who is cousin great grandfather of the Petitioner. The document of the year 1930, which is Birth Extract in respect of Bhadya Mana blessed with female child namely 'Gaya'. This document is of the year 1930, which was discarded by the Scrutiny Committee on the ground that the said document is certified copy and this document was obtained by one Bisan Barekar in the year 2004 and therefore, it was concluded by the Committee that the said birth extract entry is not from applicant's family but from the Bisan Barekar's family. The allegations of the Committee is that the applicants are belonging to Sherkar family and misused the another's family record. Also the father's name of Bhadya Mana is not mentioned on the said extract and original birth entry is also not in existence to verify the birth entry extract.

13. So far as Extract of P1 of 1930-38 is also procured by the Vigilance wherein Janba S/o Rama Mana and Wanba S/o Rama Mana shows as 'Mana'. It is also observed by the

Committee that the Petitioner produced revenue record of 1954-55 pertaining to Mangaru Janba and Kawdu Bhadu as well as document of 1912-17 extract of P1 and document of 1930-38 pertaining to Janba S/o Rama Mana and Wanba S/o Rama Mana shows that the said field is an ancestral one and received by the forefather through inheritance. The Vigilance Cell also procured the documents dated 01.05.1964, 01.07.1967 and 26.09.1967 showing entry as 'Mana'. The oldest entry of applicant's family is 'Mana Kunbi' of 1912-17. So far as reason for discarding the document of 1930 is that the certified copy of said document was obtained by Shri Bisan Barekar and therefore it is the document pertaining to that Barekar's family.

14. The Scrutiny Committee has reproduced the genealogy given by the petitioner's father Shri Bapurao Kawadu Randai during the vigilance enquiry dated 16.01.2006. In the said document, name of Bhadu is appearing so also the name of Gaya D/o. Bhadu is also appearing. In view thereof, there is no reason whatsoever to discard this document just because one Bisan Barekar applied for certified copy and helped the father of

Petitioner. There is no law that no person can apply for the document except by the family member. Moreover, there is nothing on record to show that said Bisan Barekar who applied for certified copy is having Bhadu or Gaya in his family. The same document is accepted by earlier Committee. The Scrutiny Committee mainly invalidated the claim on the ground that in the revenue record of 1912-17 entry is of 'Mana Kunbi'. The Scrutiny Committee failed to appreciate that there are entries of 'Mana' prior to 1950, not only in the documents produced by the petitioners but also procured by the Vigilance Cell.

15. In the document of 1930, there was no reason for forefather of the Petitioner to record Mana. The Scrutiny Committee has considered irrelevant facts for invalidating tribe claim of the Petitioner. The document dated 14.01.1930 in respect of female child born to Bhadya Mana, the Committee failed to appreciate that the name of Gaya appearing in family tree as daughter of Bhadya. Moreover, the said document also shows that Bhadya belongs to Wani, which is native place of forefather of the Petitioner. The Caste Scrutiny Committee went

on considering irrelevant material discarding the old documents prior to 1950 for erroneous reasons.

16. The Scrutiny Committee also declined to consider the Validity Certificate issued in favour of father of the Petitioner Bapurao Kawdu Randai on the ground that the binding procedure of verification is lacking from the order. In fact, the Committee is not having any authority to review the order passed by earlier competent authority. Moreover, it is also not mandatory in every case vigilance should be directed. If the documents placed on record are sufficient to come to the conclusion that the person belongs to specific category, there is no reason to direct the vigilance. Even if, there is no enquiry conducted, no fault can be attributed to the said Bapurao Randai. It is settled position of law that unless there is a case of fraud, the subsequent Committee cannot question the validity certificate issued by the competent Scrutiny Committee. In respect of genealogy reproduced by the Committee, which was produced by Bapurao Kawadu Randai in his case, the remark was passed that the names of family members i.e. Wanba B/o

Janba B/o Dhanya S/o Rama suppressed by Bapurao Kawadu Randai, which is proved by the land records. One cannot say that it is suppression, in fact, the family tree from Janba is reproduced by Bapurao Randai, of which branch he is a successor. The document of Gaya D/o Bhadya is duly accepted by the then Scrutiny Committee. In the present matter, entry of 1912-17 is produced by the Petitioner himself as well as procured by the vigilance cell.

17. The learned Counsel for the Petitioner drawn our attention to the Committee's observation in case of **Kunda Vishwanath Ghodmare** (supra) that -

“the Hon’ble Supreme Court clearly recorded the fact that there is Mana community, apart from Mana Scheduled Tribe and this is a question of fact which has to be examined by the Scrutiny Committee on the basis of evidence

On perusal of the Judgment of **Kunda Vishwanath Ghodmare** (supra), the Hon’ble Apex Court observed as under :

“Learned Counsel for the State of Maharashtra has submitted that there is “Mana” community also apart from the “Mana” tribe. This is a question of fact which has to be examined by the Scrutiny Committee on the basis of evidence. We do not wish to express any opinion on that part of the matter.”

The Hon'ble Apex Court nowhere endorsed the view that there is "Mana" community apart from "Mana" Scheduled Tribe. The Petitioner placed on record Validity Certificate granted in favour of Kunda Vishwnath Ghodmare.

18. The learned Counsel for the Petitioner placed reliance on Judgment in **Ku. Ankita d/o Gautam Gadmade** (supra), wherein this Court observed in paras 5 and 7 as under :

"5. The validity certificate granted to a person stands as a conclusive proof of social status of that person, unless it is revoked for legally admissible reasons. Therefore, what stands as a conclusive proof of a social status of a person also stands as sufficient and reasonable proof of the social status of a person, who is related from paternal side to a person in whose favour the validity certificate has been granted."

7. The Scrutiny Committee ought to have approached the Supreme Court and placed before it the material supporting the doubt of the Scrutiny Committee and sought necessary order from the Hon'ble Supreme Court in review."

19. The learned Counsel for the Petitioner also placed reliance on **Ishwar s/o Naga Bondalwar** (supra), in support of his contention that allegations of suppression made by the

Committee is without any basis and unsustainable. This Court in para 7 observed as under :

“7. The premise on which the Caste Validity Certificates issued to the petitioners has been cancelled is that the petitioners failed to bring before the Scrutiny Committee the old revenue records of 1922-24. In our view such alleged act of the petitioners failing to bring before the Scrutiny Committee the old revenue records can hardly amount to playing fraud while seeking the Caste Validity Certificate. In this regard useful reference may be made to the observations in **Shri Krishnan vs. The Kurukshetra University, Kurukshetra AIR 1976 SC 376** wherein the Honourable Supreme Court observed that it is well settled that where a person on whom fraud is committed is in a position to discover the truth by due diligence, fraud is not proved. It would neither be a case of *suggestio falsi* or *suppressio veri*. In other words, it was open for the Scrutiny Committee while verifying the Caste Certificates of the petitioners to have conducted an inquiry by the Vigilance Cell. The Scrutiny Committee however did not deem it necessary to have such inquiry being undertaken by the Vigilance Cell. The Scrutiny Committee was thus in a position to discover the old revenue records of 1922-24 by exercise of due diligence which could have been done by holding an inquiry by the Vigilance Cell.....”

20. The learned Counsel for the Petitioner also placed reliance on **Prathamesh Ravindra Thakur** through his father &

natural guardian (supra), wherein this Court observed in para 9 as under :

“9. The impugned order is full of conjectures and premises. It is totally unsustainable. So long as the certificate of validity has not been doubted or suspected and held to be vitiated by fraud or misrepresentation of facts, after a show cause notice being issued to the certificate holder, a due inquiry as contemplated by law held and the certificate confiscated and cancelled, the same could not have been omitted from consideration or the same could not have been termed as having no probative value. This approach of the Committee in the instant case exhibits total perversity. The impugned order is vitiated by error of law apparent on the face of the record.”

21. Thus, it can be seen that pre-constitutional documents asserts that the Petitioner is known in the society as “Mana” as well as “Mana Kunbi” and both the records have greater probative value. It is a matter of record that the Government issued a Resolution dated 24.04.1985 and declared that the Petitioners ‘Mana’ community has known Scheduled Tribe ‘Mana’ and provided some brief description so as to identify said Mana. Being aggrieved by this GR dated 24.04.1985, the Mana Adim Jamat Mandal approached to this Court and, this Court in **Mana Adim Jamat Mandal vs. State of**

Maharashtra (supra) after referring to the description of ‘Mana’ community in Russell’s “Castes and Tribes of Central Provinces” observed in paras 24 and 27 as under :

*“24. In our opinion what has been stated by Scheduled Castes Order issued under Article 341 of the Constitution must apply to the Scheduled Tribes Order issued under Article 342 of the Constitution. Plain reading of Entry 18 would show that Mana community is included in Scheduled Tribes and it is not permissible for the State Government or the Courts to deny the benefits available to the Scheduled Tribe community to the members belonging to the **Mana community**. In the light of the clear dictum of the Supreme Court in Palghat Thandan's case the State Government has no jurisdiction to issue the impugned Government Resolutions of 1985 and Government Resolution of 1995 declaring Mana community as Special Backward Class. The modification of Scheduled Tribe Order can only be made by the Parliament under the provisions of Article 342. In any event even if it is assumed that there was a separate community which is called as Mana in Vidharbha region which has no affinity with Gond tribe that community would also fall within the scope of Scheduled Tribes Order by virtue of the Amendment Act, 1976 and the State Government was not entitled to issue orders or circulars or resolutions contrary thereto. Since under Entry 18 Manas are specifically included in the list of Scheduled Tribes in relation to the State of Maharashtra, Manas throughout the State must be deemed to be Scheduled tribe by reason of provisions of the Scheduled Tribes Order. Once Manas throughout the State are entitled to be treated as a Scheduled Tribe by reason of the*

Scheduled Tribes Order as it now stands, it is not open to the State Government to say otherwise, as it has purported to do in various Government Resolutions. The Mana community in the instant case having been listed in the Scheduled Tribes Order as it now stands, it is not open to the State Government or, indeed to this court to embark upon an enquiry to determine whether a section of Manas was excluded from the benefit of the Scheduled Tribes Order.

*27. In the result, in view of the foregoing discussion, petition is allowed. The State Government is directed to grant to all members of **Mana community** the benefits due to Scheduled Tribes included in the Schedule to the Scheduled Tribes Order as amended upto date and issue to them caste certificates accordingly. Government Resolutions dated 24-4-1985, 19-6-1985 and 15-6-1995 stand quashed and set aside so far as the Mana community is concerned. Rule is accordingly made absolute with no order as to costs.”*

The State challenged the said decision by filing an appeal and Curative Petition, which came to be dismissed by the Hon’ble Apex Court.

22. The learned Counsel for the Petitioner also placed reliance on Judgment in **Vinod Zingarji Chaudhari** (supra), wherein this Court placed reliance on Judgment in **Maharashtra**

Adiwasi Thakur Jamat Swarakshan Samiti (supra) and held in 12 as under :

*“12. All other documents on which the petitioner has relied are of pre-constitutional documents, having the entries of ‘Mana’ community. The Committee has relied on the affinity test though the ‘Mana’ entries are there. In view of the judgment of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.** reported in **2023(2) Mh.L.J. 785**, the Hon’ble Apex Court has held that the affinity test is not a litmus test and the documents of pre-independence era have the more probative value in the eyes of law and have to be considered.”*

This Court also held in para 13 on relying the Judgment in **Apoorva Nichale Vs. Divisional Caste Scrutiny Committee**, (2010) 6 Mh.L.J. 401 as under :

*“13. The validity certificates issued to the cousin of the petitioner is not considered by the Caste Scrutiny Committee. The cousin brother of the petitioner has received the validity certificate on 30.12.2005. The cousin brother of the petitioner is having validity certificate. As per the judgment of this Court in the case of **Apoorva Nichale Vs. Divisional Caste Scrutiny Committee** reported in **(2010) 6 Mh.L.J. 401**, if the blood relatives have received the validity certificate, then on the basis of same, the validity certificate can be issued to the petitioners. This Court in paragraph No.7 has observed as under :*

“7. We thus come to the conclusion that when during the course of enquiry the candidate

submits a caste validity certificate granted earlier certifying that a blood relation of the candidate belongs to the same caste as that claimed by the applicant, the committee may grant such certificate without calling for Vigilance Cell Report.”

23. Apart from that, the learned Counsel for the Petitioner placed reliance on Judgment in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti** (supra), wherein Full Bench of the Hon’ble Apex Court in para 36 held as under :

“36. Thus, to conclude, we hold that:

(a) Only when the Scrutiny Committee after holding an enquiry is not satisfied with the material produced by the applicant, the case can be referred to Vigilance Cell. While referring the case to Vigilance Cell, the Scrutiny Committee must record brief reasons for coming to the conclusion that it is not satisfied with the material produced by the applicant. Only after a case is referred to the Vigilance Cell for making enquiry, an occasion for the conduct of affinity test will arise.

(b) For the reasons which we have recorded, affinity test cannot be conclusive either way. When an affinity test is conducted by the Vigilance Cell, the result of the test along with all other material on record having probative value will have to be taken into consideration by the Scrutiny Committee for deciding the caste validity claim; and

(c) In short, affinity test is not a litmus test to decide a caste claim and is not an essential part in the process of the determination of correctness of a caste or tribe claim in every case.”

24. The learned Counsel for the Petitioners relied on many Judgments, however, we do not see any reason to refer these judgments in view of the Judgments referred above.

25. It is submitted by the Petitioner that in **Writ Petition No. 1146/2014** (*Sweta Bhagwan Chaudhari vs. The Scheduled Tribe Certificate Scrutiny Committee & Ors.*) with connected matters, dated 16.12.2015, the Committee through Government Pleader stated that they have invoked authentic standard parameters on the 'Mana' Scheduled Tribe, whereas the Committee decided adversely on authenticity in Petitioner's matter without disclosing its foundation apparently based on erroneous assumption.

26. As such, the Committee cannot ignored documents prior to 1950 showing entry as 'Mana' in respect of Petitioners forefather in blood relation from parents side. Only because some entries of 'Mana Kunbi' that would not negate the Mana entries prior to 1950, which are great probative value as observed in **Mana Adim Jamat Mandal** (supra) that Kunbi is

affix or suffix to Mana, to show that they are agriculturist and their profession is farming. This Court in para 3 held as under :

“3. Russell’s “Castes and Tribes of Central Provinces”, Vol. IV at pp. 172-176 wherein a detailed description of the Mana community is given. Under the heading “Mana” it is stated :

.....

A third group of Manas are now amalgamated with the Kunbis as a regular sub-division of that caste, though they are regarded as somewhat lower than the others. They have also a number of exogamous sects of the usual titular and totalistic types, and a few recognizable names being Marathi..... The social customs of the Manas are the same as those of the other lower Maratha castes, as described in the articles on Kunbi, Kohli and Mahar... The Manas have Bhats or gynecologists of their own caste, a separate one being appointed for each sect”.

27. As such, the impugned orders passed by the Caste Scrutiny Committee are patently erroneous, perverse and are liable to be set aside. Accordingly, we proceed to pass following order :

- (i) Both the Writ Petitions are allowed.
- (ii) The impugned order dated 18.01.2024, passed in case No. JC/TCSC/NGP/I/203/31/2023, and order dated 16.01.2024, passed in case Nos. JC/TCSC/NGP/I/849/31/2022, passed by the Respondent – Scheduled

Tribe Certificate Scrutiny Committee, Nagpur are hereby quashed and set aside.

- (iii) It is declared that the Petitioners duly established that they belong to “Mana” Scheduled Tribe.
- (iv) The Respondent Scheduled Tribe Certificate Scrutiny Committee, Nagpur is hereby directed to issue the validity certificates of “**Mana**” Scheduled Tribe to the Petitioners within a period of eight weeks.

28. 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.)