



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3721/2024

1. Ku. Yamini Vijay Shende,
age about 18 years, Occupation: Student
(Aspirant to admission for Engineering Course)
Address. Hingna (Kasba) Ward No.5,
Tah: Hingna, Dist Nagpur-441110
M-9518722484
e-mail.id.yaminini2023sss@gmail.com
2. Vedant Ajay Shende,
age about 17 Years, Occupation : Student,
Natural Guardian Father: Ajay Suresh Shende
(Aspirant to admission for LL.B 5 years Course)
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... PETITIONERS

...VERSUS...

1. The Scheduled Tribe Certificate
Scrutiny Committee, Nagpur,
Through its Member Secretary,
Giripeth, Nagpur – 440 010.
Email: tcscnagpur@gmail.com
2. The State of Maharashtra
Through its Chief Secretary,
Mantralay Extension,
Mumbai 400032,
email.cs@maharashtra.gov.in

...RESPONDENTS

Mr. N. D. Jambhule, Advocate for petitioner
Mr. N. R. Patil, AGP for respondent /State

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

RESERVED ON : 29th JANUARY, 2026.
PRONOUNCED ON : 10TH FEBRUARY, 2026.

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

1. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the parties.
2. The petitioners by this petition are challenging the impugned order dated 06.05.2024, bearing Nos. JC/TCSC/NGP/I/111/31/2023 & JC/TCSC/NGP/I/112/31/2023 passed by the Respondent Scrutiny Committee rejecting the petitioners' claim towards "Mana Scheduled Tribe".
3. It is submitted that the petitioners submitted their applications on 14.03.2023 along with Tribe Certificates bearing No. 40314028686 dated 06.11.2019 (Petitioner No.1) and No.

40314020080 dated 01.04.2019 (Petitioner No.2) issued by the Sub-Divisional Officer, Nagpur Rural.

4. It is submitted that due to inordinate delay, Petitioner Nos. 1 and 2 filed W.P. No.2802/2024 seeking directions to decide their claims. This Hon'ble Court vide order dated 29.04.2024 directed the Respondent Committee to decide the claims within four weeks with no further extension whatsoever, in view of the Government Resolution dated 27.03.2019, the order of the Apex Court in Special Leave to Appeal (C) Nos.20210-20224/2017 decided on 18.08.2017, and the directions issued at the principal seat in W.P. No.8264/2017.

5. It is submitted that the petitioners possess 4 Validity Certificates of their blood relatives, namely Grandfather "Suresh" dated 26.08.2008, Father "Vijay" dated 11.11.2010, real uncle "Ajay" dated 05.07.2019 and Cousin Uncle "Aniket" dated 28.06.2019, all issued by the Respondent Committee itself. The following pre-Constitutional document was submitted:

Sr. No.	Name	Relation	Evidence	Caste Name	Date
1.	Gopal S/o Chindhu Mana	Great Grandfather	Kotwal Panji (Birth Register)	Mana	15.12.1948

6. It is submitted that the pre-Constitutional document (Kotwal Panji) issued by the Collectorate office, Nagpur on 12.10.2011 records "Gopala S/o Chindhu Mana" and male child born "Suresh" on 15.12.1948 (grandfather of the petitioners), conclusively establishing the petitioners' lineage to Mana Scheduled Tribe. The Respondent Committee failed to appreciate the same on the grounds that the said record was destroyed and could not be verified.

7. It is submitted that the Vigilance Cell enquiry report was submitted on 29.03.2023 and the petitioners submitted their say on 16.06.2023. However, the impugned order does not disclose the proceedings pertaining to validities granted to "Ajay" dated 05.07.2019 and "Aniket" dated 28.06.2019, though these Validity Certificates were submitted as supporting documents.

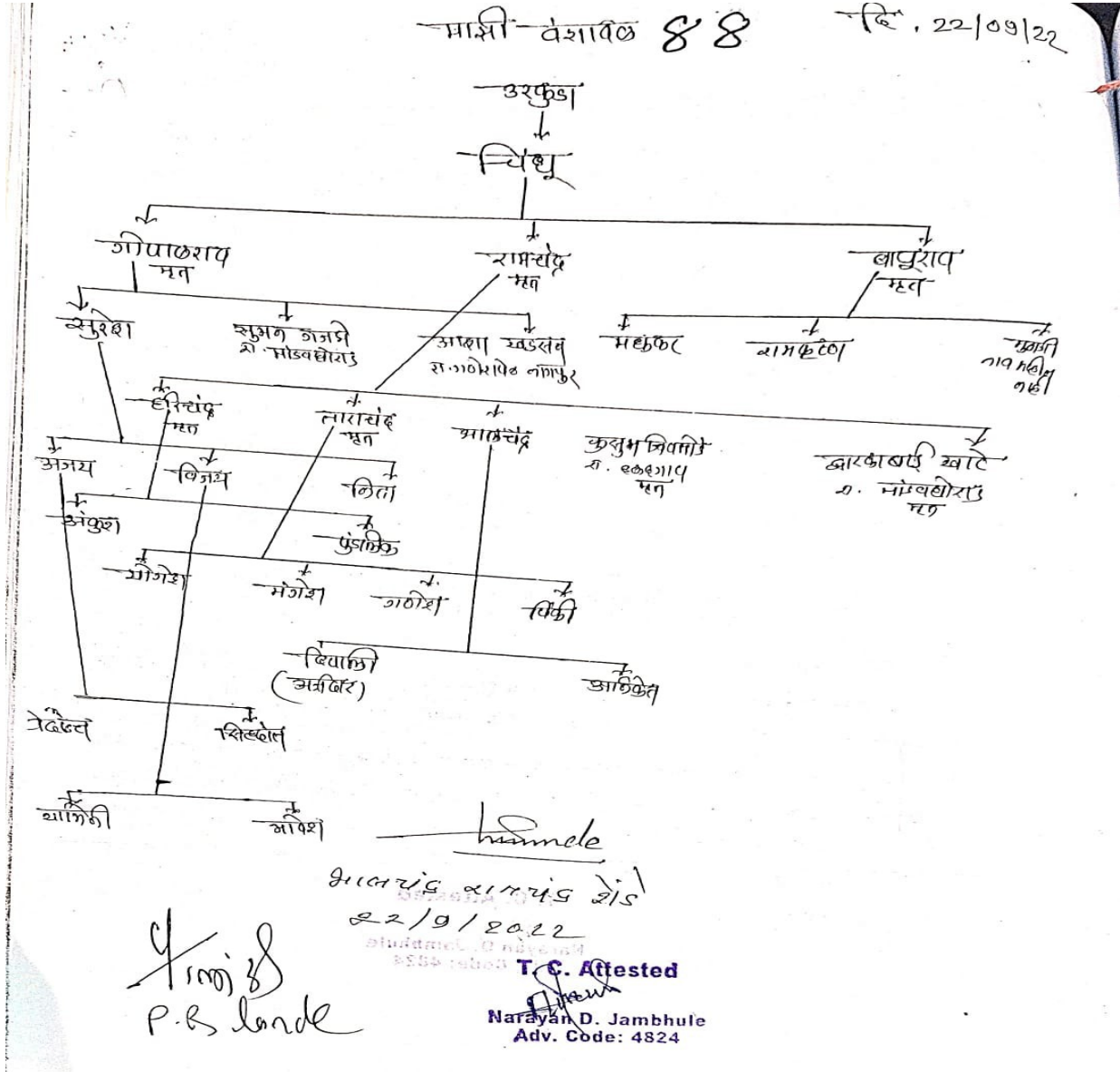
8. It is submitted that internal Para 10(ii) of the impugned order mentions a typographical error wherein "Devba s/o Urkuda" was typed instead of "Chindu s/o Urkuda". "Suresh" clarified the same by way of affidavit, which the Committee accepted and thereafter issued the Validity Certificate. Once the clarification is accepted by the Committee, it should not disbelieve the act of its own Committee.

9. It is submitted that the Committee failed in appraising the documentary evidence in entirety and failed in the application of proper Mana Affinity Parameters. More than 6000 Validities were granted to the members of Mana community, including the petitioners' father, real uncle and cousin uncle. The Committee should have examined as to why the earlier Committees granted these Validities before reaching its decision.

10. Lastly, learned counsel for the petitioners submits that the impugned order is bad in law. The petitioners have placed reliance on *2003 3 MLJ 513*, *2017 3 Mh.L.J. 789 (Shubham's case)*, W.P. No.8264/2017 (*Nikhil Suryakant Padalwar vs. State of Maharashtra*), Special Leave to Appeal (C) Nos.20210-20224/2017

(Dilip Vinhal Bambale and others vs. Vinitkumar Motiram Tatlod and others) decided on 18.08.2017, CA 5270/2004, W.P. 1208 of 2020, and W.P. No.4798 of 2022 to support these contentions.

11. For the sake of brevity, the family tree is reproduced below:



12. Per contra, learned counsel for the respondent submits that during scrutiny, it was found that the petitioners submitted different genealogy introducing new persons in their family tree. The grandfather Suraj Gopal Shende showed Chindhu as Great Grandfather during the Vigilance Enquiry of his son Ajay Shende in 2007, but disclosed Deoba as Great Grandfather during his own Vigilance Enquiry in 2007, thus revealing contradictory genealogy.

13. It is further submitted that during vigilance, adverse entries from 1930 to 1955 were found wherein the caste was shown as 'Mani'. The petitioners suppressed the entry of Suryabhan Gopal Chindhu as belonging to Mani caste, thereby failing to prove that they belong to Mana Scheduled Tribe. The documents submitted by the applicants and found during vigilance enquiry are as follows:

Sr. No .	Type of Document	Name	Relation with Applicant	Caste Mentioned	Date of Evidence	Remarks
1.	Sch. Addm. Register. Z.P. Prim. Sch. Raipur, Adm No. 1964 P.S.-Hingana Dist.-Nagpur	Gopala Chindhu	Real great grandfat her	Mani	01.08.1930	Found in vigilance enquiry and suppress ed by applicant
2.	S.L. Certificate & Sch. Addm. Register, Prim.	Ramchan dra Chindhu	Cousin great grandfat	Mani	28.04.1931	Found in vigilance enquiry

Sr. No .	Type of Document	Name	Relation with Applicant	Caste Mentioned	Date of Evidence	Remarks
	Sch. Raipur, Adm No. 2027 P.S.-Hingana Dist.-Nagpur		her			and suppressed by applicant
3.	Sch. Addm. Register, Prim. Sch. Raipur, Adm No. 2398 P.S.-Hingana Dist.-Nagpur	Bapurao Chindhya S/o Urkuda	Cousin great grandfather	Mani	27.04.1937	Found in vigilance enquiry and suppressed by applicant
4.	Sch. Addm. Register, Z.P. Prim. Sch. Raipur, Adm No. 2683 P.S.-Hingana Dist.-Nagpur	Pundalik Chindhu S/o Urkuda	Cousin great grandfather	Mani	05.04.1941	Found in vigilance enquiry and suppressed by applicant
5.	S.L. Certificate Prim. Sch. Raipur, P.S.-Hingana Dist.-Nagpur	Suryabhan Gopala Shende	Real grandfather	Mani	02.04.1955	Submitted by applicants
6.	Parent declaration school record & Sch. Addm. Register, Prim. Sch. Raipur, Adm No. 3602 P.S.-Hingana Dist.-Nagpur	Suryabhan Gopala S/o Chindhu Mani	Real grandfather	Mani	02.04.1955	Found in vigilance enquiry and suppressed by applicant

14. It is submitted that the original entry found in the vigilance enquiry reveals "Suryabhan Gopala S/o Chindhu Mani", whereas the document submitted by the applicants shows the surname

"Shende" inserted. The case record of Suresh Gopalrao Shende reveals the entry as "Suresh Alias Suryabhan Gopala Shende" with caste entry as "Mana". It is thus clear that Shri Suresh misled the Committee by submitting fabricated records in his case.

15. It is submitted that the Validity Certificate issued to Vijay Shende was pursuant to the order in C.A. No.5270/2004, however, the Committee issued the validity without disclosing and evaluating as to how C.A. No.5270/2004 was applicable. Suresh gave an incorrect name of his Grandfather and later corrected it as Gopal Deoba Mana, but again gave a different name during the Vigilance Enquiry on 29.09.2007. Since the validity holders obtained validities by perpetrating fraud upon the Committee, the ratio of the said validity was not extended to the claim of the petitioners.

16. Lastly, it is submitted that the petitioners failed to satisfy the Affinity Test and suppressed the fact that they belong to 'Mani' caste. The Committee considered all material on record, the validities granted to the relatives of the petitioners, and afforded full opportunity of hearing to the petitioners. The impugned order

is correct and proper and requires no interference by this Hon'ble Court.

17. With the assistance of the learned counsels appearing for the respective parties, we have gone through the record. We have also perused the documents filed by the petitioner in support of her claim. The oldest document filed by the petitioner and has also seen in the Vigilance Cell report is of 1948 of one Gopala S/o Chindhu Mana, who is the cousin-grandfather of the petitioner. Notably, the said document has been verified by the Vigilance Cell. The Vigilance Cell however reported that since the document of 1948 is in a dilapidated / torn condition, the authenticity of it cannot be confirmed. The same has been reiterated by the Caste Scrutiny Committee in its report and that seems to be the only reason for discarding the said document. In our view, the said reason is not only defying logic but erroneous since it is but obvious that the document dating back to the year 1948 is bound to be in a dilapidated condition.

18. Furthermore, as far as proving of claim by the petitioner on the basis of validity certificate of blood relatives is concerned, the

discussion is found in issue no. 2 the present impugned order. The reason for discarding the validity issued to Vijay Suresh Shende, Aniket Bhalchandra Shende and Ajay Sureshrao Shinde is that validity to Vijay Shende is given without any discussion, appreciation, evaluation and without any reasoned order. The reason for discarding the validity given to other family members is also more or less the same. These reasons also are contrary to the settled proposition of law. The finding of the committee that the document, i.e. the oldest one of the year 1948, is not an evidence as per the Evidence Act, is apart from erroneous, does not take into consideration the basic fundamentals of the Evidence Act. It seems that the committee members are searching for novel reasons to discard the oldest documents of the petitioner only to see to it that they are deprived of the validation.

19. Even assuming that there is some difference / variance in genealogy the only document which would be discarded is of 1930. But the fact remains that document of Ramchandra Shende is of 1931 which also has high probative value. The reliance placed by the committee on the oldest documents of 1930, 1931, 1937, 1941

and 1955 as recorded as showing “Mani” also cannot take the case of the Scrutiny Committee any further as admittedly “Mani” is not a caste mentioned in the Presidential Order.

20. Furthermore, the finding regarding the blood relations namely Vijay, Aniket and Ajay not coming before the Committee with clean hands also defy any logic since the committee is not supposed to sit in appeal and is not having power to review the orders passed by the Committee unless they record the case of fraud. This proposition of law is more than settled in plethora of judgments by this Court and by the Hon’ble Apex Court. Thus the reasoning on which the tribe claim is invalidated apart from it being perverse is contrary to the settled principles of law in that regard. In that view of the matter, we are of the considered opinion that the order of the Scrutiny Committee impugned in the petition cannot withstand the scrutiny of law and is therefore liable to be quashed and set aside. We therefore pass the following order:-

ORDER

- i) Writ Petition is allowed
- ii) The impugned order dated 06.05.2024 in case No. JC/TCSC/NGP/I/111/31/23 and JC/TCSC/NGP/I/112/31/2023

passed by the respondent - Scrutiny Committee is quashed and set aside.

iii) It is hereby declared that the petitioners belong to “Mana Schedule Tribe” and the Scrutiny Committee is directed to issue validation certificate accordingly in their favour within 4 weeks from the date of this order.

iv) Writ Petition is allowed in above terms, Rule is made absolute in above terms, Writ Petition is disposed of.

(NANDESH S. DESHPANDE, J.)

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

Shubham