



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 5388 OF 2024

Ku. Payal Mahendra Gajbe age about 18
Occupation: Student
Admitted to B.E in Computer Engineering
Plot No.17, Utkarsh Nagar, Behind Chintamani
Nagar 1, Besa Road, Nagpur 440027
M.9960567318,
Email, mahendra_postalsa@yahoo.in

...PETITIONER

VERSUS

1. The Scheduled Tribe Certificate Scrutiny Committee, Nagpur, Through its Member Secretary, Giripeth, Nagpur-440 010.
email: tcscnagpur@gmail.com
2. Cummins College of Engineering for Women Sukhali (Gupchup) Through its Principal AT, PO, Tah. Hingna, Dist. Nagpur-441110
office@cumminscollege.edu.in
3. State Common Entrance Test Cell, Maharashtra State, Through its Commissioner, 8th floor, New Excelsior Building, A. K. Nayak Marg, Fort, Mumbai - 400001.
(e-Mail Maharashtra.cetcell@gmail.com)
4. Rashtrasant Tukdoji Maharaj Nagpur University, Through its Registrar, Nagpur- 440033
email.registrar@nagpuruniversity.nic.in

...RESPONDENTS

Shri N.D. Jambhule, Advocate for petitioner
Shri N.R. Patil, AGP for respondent No.1/State
Shri N.A. Gaikwad, Advocate for respondent No. 3

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

RESERVED ON : **16.03.2026**
PRONOUNCED ON : **27.03.2026**

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

Heard. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the parties.

2. The petitioner, Ku. Payal Mahendra Gajbe, has filed the present writ petition challenging the impugned order dated 26.08.2024, bearing No. क्र.सआ/अजप्रतस/नाग/1/४५४/३१/२०२३, passed by Respondent No. 1, the Scheduled Tribe Certificate Scrutiny Committee, Nagpur, (hereinafter referred to as 'Scrutiny Committee'), whereby the Scrutiny Committee has invalidated the petitioner's claim to the "Mana" Scheduled Tribe, enumerated at Sr. No. 18 of the Scheduled Tribes List for the State of Maharashtra.

3. The petitioner holds a "Mana" Scheduled Tribe caste certificate issued by the Sub-Divisional Officer, Saoner, dated 15.11.2016. Her father Mahendra and cousin uncle Sunil were

granted validity certificates for "Mana" Scheduled Tribe by the very same Scrutiny Committee on 01.04.2006 and 20.10.2007 respectively. The petitioner's application was decided pursuant to directions in W.P. No. 3176/2024, whereby this Court directed the Scrutiny Committee to decide the claim within 8 weeks from 01.07.2024. Despite attending the hearing on 24.07.2024 and submitting her reply, the Scrutiny Committee passed the impugned order dated 26.08.2024 invalidating the caste claim thereby gravely jeopardizing her admission to First Year B.E. (Computer Engineering) under the Scheduled Tribe (Women) quota, which stands liable to automatic cancellation in the absence of a valid validity certificate on or before 09.09.2024. This order of invalidation passed by the respondent no.1 on 26.08.2024 is assailed in the present petition.

4. We have heard Shri N.D. Jambhule, learned Counsel for the Petitioner, Shri N.R. Patil, learned Assistant Government Pleader appearing for Respondent/State, and Shri N.A. Gaikwad, learned Counsel for Respondent No. 3.

5. The petitioner has placed on record the following documents in support of her claim:

Sr. No.	Document	Person	Relation	Caste	Year
1.	Service Book	Suratram Raghobaji Gajbe	Great-grandfather	Mana	13.10.1929
2.	Service Book	Godavari w/o. Raghobaji Gajbe	Grandfather's Sister	Mana	26.09.1943

6. The learned Counsel for the petitioner submits that Scrutiny Committee granted validity certificates to the petitioner's father Mahendra on 01.04.2006 and cousin uncle Sunil on 20.10.2007 on the basis of the same set of documents. The petitioner, by her letter dated 21.05.2024, brought the said validity certificates to the notice of the Committee and demanded that the same ratio be applied while deciding her claim.

7. The learned Counsel for the petitioner has placed reliance upon *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti v. State of Maharashtra* [2023 SCC OnLine SC 326]; *Priya w/o. Pramod Gajbe v. State of Maharashtra* [2023 SCC OnLine SC 909]; *Anand v. Committee for Scrutiny and Verification of Tribe Claims* [(2012) 1 SCC 113]; *Mana Adim Jamat Mandal v. State of*

Maharashtra [(2003) 3 Mh.L.J. 513]; Shubham's case [(2019) 1 Mh.L.J. 757]; Apoorva d/o. Vinay Nichale v. Divisional Caste Certificate Scrutiny Committee No. 1 and Others [W.P No. 1504 of 2010]; and W.P No. 8392/2022 (Sakshi Katkar), order dated 30.08.2024.

8. Per contra, the learned Assistant Government Pleader has opposed the contentions of the learned Counsel for the petitioner submitting that during the Police Vigilance enquiry, the following adverse entries were found in the revenue and school records of the petitioner's blood relatives from Mauja Ganeshpur Jamtha, Amravati:

Sr. No.	Document	Name	Relation	Caste	Year	Remarks
1.	DOB Copy, Village Jamathi, Ganeshpur	Ragho Sakharam Gajbe	Great-great-grandfather	Mani	01.11.1926	Concealed by petitioner
2.	DOB Copy, Village Jamathi, Ganeshpur	Son of Ragho Sakharam Gajbe	Great-great-grandfather	Mani	06.11.1927	Concealed by petitioner
3.	DOB Copy, Village Jamathi, Ganeshpur	Daughter of Ragho Sakharam Gajbe	Great-great-grandfather	Mani	16.01.1938	Concealed by petitioner
4.	DOB Copy, Village Jamathi, Ganeshpur	Chidhi d/o Ragho Sakharam	Great-great-grandfather	Mani	07.08.1940	Concealed by petitioner

5.	DOB Copy, Village Jamathi, Ganeshpur	Godhi d/o Ragho Sakharam	Great-great- grandfather	Mani	26.09.1943	Concealed by petitioner
6.	Dakhil Kharij Reg.No. 106, Z.P. School Ganeshpur	Godavari Raghoba Sakharam Gajbe	Great grandfather's sister	Mani	DOB : 26.09.1943	Concealed by petitioner
7.	Dakhil Kharij Reg. No. 161, Z.P. School Ganeshpur	Madhu Raghoba Sakharam Gajbe	Great- grandfather's sister	Mani	DOB: 18.12.1948	Concealed by petitioner
8.	Perepatrak, Mouja Bhalapur, Tah. Morshi	Sukdeo Suratram Ragho Gajbe	Great-great- grandfather	Mani	1975-76	Concealed by petitioner
9.	Dakhil Kharij Reg.No. 530, Z.P. School Ganeshpur	Ganesh Suratram Raghobaji Gajbe	Not in genealogy	Mane	DOB : 01.05.1958	Not disclosed in genealogy
10.	Hakka Nondani Patrak, Ganeshpur	Ragho Sakharam Gajbe	Great-great- grandfather	Mana	-	Received during Vigilance
11.	Dakhil Kharij Reg. No. 499, Z.P. School Ganeshpur	Ramesh Suratram Raghoba Gajbe	Grandfather	Mana	DOB : 11.07.1966	Received during Vigilance

9. It is further submitted that the petitioner suppressed her ancestral residence at Mauja Ganeshpur Jamtha, Taluka Warud, District Amravati and incorrectly mentioned Mauja Mowad, Taluka Narkhed, District Nagpur in her genealogy. The service books submitted by the petitioner carry no evidentiary value as caste entries therein are made on the basis of caste certificates which are subject to verification, and no educational documents were produced in support.

10. As regards the validity certificates of father Mahendra and uncle Sunil, the same were issued without following mandatory procedure and without Police Vigilance enquiry, and the anti-claim records before the present Scrutiny Committee were not before the earlier Scrutiny Committee. Reliance is placed upon **W.P. No. 5559/2019 (Mayuri Balwant Dadmal)**, order dated 03.04.2024, wherein this Court upheld the invalidation order in the absence of pre-independence documents showing forefathers belonging to "Mana".

11. We have considered the submissions of the learned Counsel for the respective parties and perused the record of the matter. The Scrutiny Committee rejected the petitioner's claim on the following grounds: (a) documentary evidence insufficient; (b) "Mani" entries treated as contra-evidence; (c) Affinity Test unsatisfactory; and (d) service books carrying no evidentiary value.

12. As regards point (a) is concerned: The finding of the Scrutiny Committee that the documentary evidence is insufficient is wholly perverse and contrary to the binding precedents of the Hon'ble Supreme Court. The petitioner's father and cousin uncle were

granted validity certificates for "Mana" Scheduled Tribe by the very same Scrutiny Committee in 2006 and 2007 respectively. The Hon'ble Apex Court in *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti v. State of Maharashtra [2023 SCC OnLine SC 326]*, has categorically held that once pre-constitutional documents establish the tribe claim of blood relatives, the same ought to be accepted as clinching evidence, and the Committee is bound to follow such binding ratio. The petitioner's genealogy, prepared on 24.08.2023, and the pre-constitutional documents placed on record, along with the admitted validity certificates of her father and cousin uncle, constitute cogent evidence that was arbitrarily ignored by the Scrutiny Committee. Further, this Court in *Apoorva d/o. Vinay Nichale v. Divisional Caste Certificate Scrutiny Committee No. 1 and Others [W.P. No. 1504 of 2010]*, has held that when blood relatives of the petitioner hold valid certificates granted by the very same Scrutiny Committee, the petitioner is entitled to the grant of a validity certificate on the same ratio, and the Scrutiny Committee is not justified in taking a contrary view in the absence of any fresh material warranting a departure from the earlier finding.

13. As regards point (b) is concerned, the finding that "Mani" entries in documents constitute contra-evidence against the petitioner's claim is directly contrary to the binding declaration of the Hon'ble Supreme Court in *Priya w/o. Pramod Gajbe v. State of Maharashtra [2023 SCC OnLine SC 909]*, wherein the Court has unequivocally held in Para 10 that "entry 'Mani' has to be read as 'Mana' Scheduled Tribe". The Scrutiny Committee treating "Mani" entries as adverse to the petitioner thus has no legal basis whatsoever and renders the impugned order perverse on its face.

14. As regards point (c) is concerned, the adverse finding on the Affinity Test is equally unsustainable. This Court, in *Mana Adim Jamat Mandal v. State of Maharashtra (MAJM case) reported at (2003) 3 Mh.L.J. 513*, has laid down detailed guidelines for the evaluation of affinity of members of the "Mana" Scheduled Tribe. The impugned order reflects gross disrespect towards the findings of this Court in the aforesaid decisions, inasmuch as the Scrutiny Committee has failed to evaluate the Affinity Test in the light of those binding guidelines.

15. As regards point (d) is concerned, the rejection of the Service Books of Suratram Raghobaji Gajbe and Godavari Raghobaji Gajbe on the ground that the basis of the caste entry is not clear is equally unsustainable. It is well settled that a service book is an official document maintained by a government authority and carries a presumption of correctness under Section 35 of the Indian Evidence Act, 1872, inasmuch as entries made therein by a public servant in the discharge of his official duty are presumed to be correct. The petitioner submitted the first page of the service book of Suratram Raghobaji Gajbe, wherein the caste is recorded as "Mana" with date of birth 13.10.1929, and the first page of the service book of Godavari Raghobaji Gajbe, wherein the caste is recorded as "Mana" with date of birth 26.09.1943. The Scrutiny Committee's finding that such entries carry no evidentiary value merely on the ground that the basis of the caste entry is not forthcoming amounts to a perverse appreciation of evidence, inasmuch as it was the duty of the Scrutiny Committee to call for clarification from the concerned department if it harboured any doubt as to the basis of the entry, rather than summarily rejecting the said documents.

16. Further, even assuming for the sake of argument that the said service books cannot be relied upon as conclusive evidence of caste which is denied, it is a matter of record that the very same Scrutiny Committee had granted a validity certificate to the petitioner's father Mahendra on 01.04.2006 and to her cousin uncle Sunil on 20.10.2007, and the said validity certificates were granted on the basis of the same set of documents, including the aforesaid service books. It is therefore wholly inconsistent and arbitrary on the part of the Scrutiny Committee to take the position that the very same documents, which were found sufficient to grant validity certificates to the petitioner's father and cousin uncle, are now being held to be of no evidentiary value in the case of the petitioner. The Scrutiny Committee cannot blow hot and cold in the same breath, and such contradictory and inconsistent conduct renders the impugned order liable to be quashed and set aside on this ground alone.

17. In view of the aforesaid, the impugned order dated 26.08.2024 is liable to be quashed and set aside. The Scrutiny Committee has acted in a perverse, arbitrary, and illegal manner in complete disregard of binding precedents of the Hon'ble Supreme

Court and this Hon'ble Court. Accordingly, the following order is passed:

ORDER

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 26.08.2024 passed by the Scheduled Tribe Certificate Scrutiny Committee, Nagpur, in Case No. क्र.सआ/अजप्रतस/नाग/I/४५४/३१/२०२३, is hereby quashed and set aside.
- (iii) The respondent No.1, Scrutiny Committee is directed to issue a caste validity certificate to Petitioner certifying her as belonging to "Mana" Scheduled Tribe within a period of four weeks from the date of receipt of a certified copy of this order.

18. Rule is made absolute in the above terms. No order as to costs.

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

Jayashree..