



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 5394 OF 2024

Mahesh S/o Vinod Parate,
Aged about years, Occ. Student,
R/o Post Dhanki, Tq. Umarkhed,
District Yavatmal 445206

...PETITIONER

VERSUS

1. The Scheduled Tribes Caste Certificate Scrutiny Committee- through its Member Secretary and Deputy Director, Dist. Yavatmal.
2. The Principal, Jaidev Education Society, J D College of Engineering and Management, Nagpur.
3. State Common Entrance Test Cell State CET Cell, the Commissioner, 8th Floor, New Excelsior Building, A.K. Nayak Marg, Fort, Mumbai-01. (M.S.).

...RESPONDENTS

Shri Ashwin Deshpande, Advocate for petitioner
Ms M.S. Naik, AGP for respondent/State
Shri N.A. Gaikwad, Advocate for respondent No.3

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

RESERVED ON : **23.02.2026**
PRONOUNCED ON : **27.02.2026**

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

Heard.

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

3. Petition challenges the order dated 06.10.2023, passed by the respondent, the Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal, (hereinafter referred to as 'Scrutiny Committee'), in case No. 11/510/Edu/1122022/3132, whereby the claim of the petitioner that he belongs to the 'Halbi' Scheduled Tribe is rejected.

4. The facts emerging from the petition and which are more or less undisputed are as under:

The petitioner obtained a caste certificate on 10.10.2022, as belonging to the 'Halbi' Scheduled Tribe, from the Sub-Divisional Officer, Umarkhed. On 23.11.2022, the petitioner, being a student and since he wanted to pursue further education, submitted an online application along with relevant documents in support of his caste claim to the respondent, Scrutiny Committee, for verification and issuance of a validity certificate. Thereafter, the petitioner

appeared in the CET examination and was allotted Guru Gobind Singh College, Nagpur, in the Computer Science Department, but due to non-submission of the caste validity certificate, his admission was cancelled.

5. On 28.09.2023, the Scrutiny Committee, sent a show cause notice along with the Vigilance Report to the petitioner, which was received by him on 13.10.2023, after the invalidation order. However, on 06.10.2023, the Scrutiny Committee rejected the claim for validation which order is challenged in the present petition.

6. We have heard Shri Ashwin Deshpande, learned Counsel for the petitioner, as also Ms M.S. Naik, learned Assistant Government Pleader for respondent No.1/State, and Shri Nikhil Gaikwad, learned Counsel for respondent No. 3.

7. The learned Counsel for the petitioner submits that the Scrutiny Committee has grossly erred in invalidating the caste claim of the petitioner since it fails to consider the voluminous documents filed by the petitioner in support of his claim. He submits that, admittedly, the documents which find a mention in the impugned

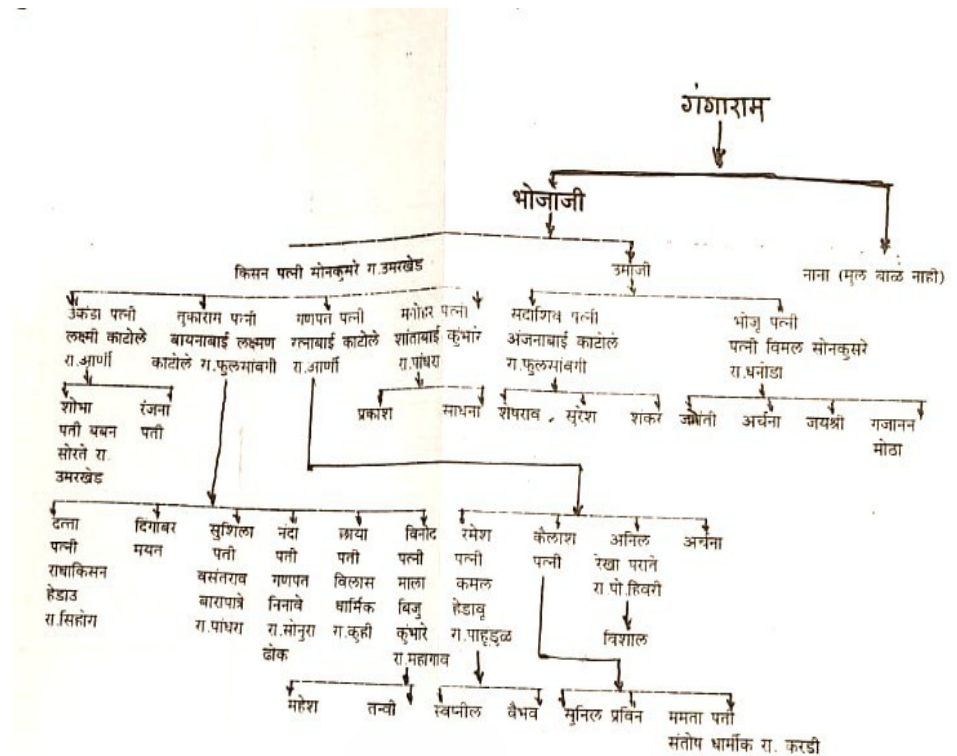
judgment were before the Scrutiny Committee, and the genuineness, authenticity, and the existence of those documents have neither been gone into nor the same has been discarded as being false, bogus, or otherwise. It is therefore his submission that those documents pertaining to the period prior to 1950 have more probative value.

8. It is his further submission that another ground for rejecting his caste claim is that the petitioner and/or his relatives have failed to establish the affinity test. In that regard, the learned Counsel for the petitioner submits that when documents produced by the petitioner conclusively establish that he belongs to the 'Halbi' Scheduled Tribe, it was not permissible for the Scrutiny Committee to go into the affinity test and to reject the claim. He therefore submits that the Scrutiny Committee has endeavoured to gather evidence, which is in contrast to the dictum of the Hon'ble Apex Court and this Court. He therefore prays for quashing the impugned order of the Scrutiny Committee.

9. Per contra, the learned Assistant Government Pleader appearing for the respondent, Scrutiny Committee, points us out that there are two certificates issued by the Sub-Divisional Officer,

Umarkhed, one is dated 10.10.2022, and another is dated 17.05.2018. Thus, it is her submission that there is some doubt/suspicion in the conduct of the petitioner. She further submits that there are contra entries with respect to the petitioner, and therefore the Scrutiny Committee was right in rejecting the claim. By pointing us out various documents, the learned Assistant Government Pleader submits that there are documents showing 'Koshti' which are in contrast to the claim of 'Halbi' made by the petitioner, and therefore no fault can be found with the order of the Scrutiny Committee.

10. Before proceeding further it would be relevant to reproduce the family tree :



11. Before proceeding further, it would also be relevant to reproduce the documents filed by the petitioner, as also found by the Vigilance Cell.

Sr.No.	Document	Name	Caste	Date	Relation with Petitioner
12.	Crop Record	Tukaram Kisan Halbi	Halbi	1949-50	Grandfather
13.	Birth Extract	One male child (Rama) born to Kisan Bhojaji Halbi	Halbi	25.07.1940	Great grandfather
14.	Rent Agreement	Bhajaji Gangaram Halbi	Halbi	02.03.1926	Great-great grandfather

12. Thus, it is relevant from the chart mentioned above, the oldest document at Sr. No.14 is the rent agreement of one Bhajaji Gangaram Halbi, which shows the caste 'Halbi' and is dated 02.03.1926. This document clearly depicts the caste as 'Halbi'. What is relevant to note that the Scrutiny Committee does not dispute the said document in the impugned order, however, fails to appreciate/negate the document while rejecting the caste claim. The next document at Sr.No.13, dated 25.07.1940, which is a birth extract of one Kisan Bhojaji Halbi. The document at serial No. 12 is a crop record of one Tukaram Kisan Halbi and is of the year 1949-50. These documents were filed by the petitioner.

13. Thereafter, the vigilance found certain contra entries relevant of which are as under :

Sr.No.	Document	Name	Caste	Date	Relation with Petitioner
1.	Birth Extract	A female child (Kondi) born to Gangaram son of Vithoba Koshti	Koshti	29.09.1937	Great-great grandfather
3.	School Record	Shankar Sadashiv	Koshti	02.07.1942	Cousin-cousin uncle
4.	School Record	Narayan Gangaram	Koshti	12.06.1950	Cousin great great grandfather
6.	Sale-deed	Narayan Gangaram	Koshti	16.03.1950	Cousin great great grandfather
13.	Sale-deed	1. Vinod Tukaram Parate 2. Datta Tukaram Parate	executants do not belong to the Scheduled Tribe	15.12.2008	1. Father 2. Elder Uncle
15.	Validity Certificate	Santosh Udyebhan Hedau	Koshti (S.B.C.)	04.09.2013	Cousin Maternal uncle

14. As far as document No. 1 is concerned, it speaks about a female child, namely 'Kondi', born to Gangaram who is the son of Vithoba, but as can be seen from the family tree which is drawn by the vigilance cell itself, Gangaram had no daughter, and in fact, had two sons, namely, Bhojaji and Nana. The next document in line is the school record of one Shankar Sadashiv Jeevanaji, but the said

person seems to be not related with the petitioner, as the name of the relative is Shankar Sadashiv 'Ubhaji' and not 'Jeevanaji' as stated in the said document. Thus, the said document is also not helpful to the Scrutiny Committee for invalidation. The next document in line is the School record of one Narayan Gangaram, but the said person does not find a name in the family tree. The same is the case with the document at serial No. 6, which is a sale-deed.

15. As far as document No. 13 is concerned, the Scrutiny Committee relies on the averment in the sale deed that the executants do not belong to the Scheduled Tribe. In our view, the same is not conclusive since the documents state above speak otherwise. As far as document No. 15 is concerned, it speaks of a validity certificate of one Santosh Udyebhan Hedau of caste 'Koshti' in SBC. However, the said document also does not take the case of the Scrutiny Committee further since the document is from the maternal side and not from the paternal side. It is thus clear that the reliance placed by the Scrutiny Committee on the documents which allegedly show contra entries has been countered with by supporting material by the petitioner.

16. As far as obtaining of two caste certificates by the petitioner is concerned, the same can be seen from the impugned order that both the said caste certificates, dated 17.05.2018 and 10.10.2022, have been invalidated by the Scrutiny Committee vide the said impugned order. Therefore, the contention of the learned Assistant Government Pleader in that regard is also without any merit.

17. In spite of this, the fact remains that there is no reply filed by the petitioner to the notice of Vigilance Cell. But the petitioner, as mentioned above, has pointed out that the documents on which reliance is placed are neither his documents nor they can form a conclusive opinion regarding the validity claim of the petitioner. It is also noteworthy to mention that there is no independent appreciation of the oldest document, which is of 02.03.1926, in the impugned order, except for the fact that the same is mentioned in paragraph No. 4 of the said order. Thus, we are of the considered opinion that sufficient material was placed before the Scrutiny Committee by the petitioner, which if appreciated in its correct perspective, could have led the Scrutiny Committee to validate the claim of the petitioner.

18. It seems that the Scrutiny Committee has evolved novel reasons and placed unnecessary reliance on the contra entries, ignoring the old documents filed by the petitioner in support of his caste claim. The impugned order therefore, is perverse in as much as it fails to consider the relevant documents and takes into consideration the irrelevant documents. It is a settled principle of law that pre-constitutional documents have more probative value, as held in the case of *Anand versus Committee for Scrutiny and Verification of Tribe Claims and others, 2011(6) Mh.L.J. 919*. We are therefore of the considered opinion that order being perverse warrants interference in writ jurisdiction. In that view of the matter, we pass the following order :

ORDER

- i) The Writ Petition is allowed.
- ii) The impugned order dated 06.10.2023, passed by the respondent No.1, the Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal, in Case No. 11/510/Edu/1122022/3132, is quashed and set aside.

iii) It is hereby declared that the petitioner belongs to the 'Halbi' Scheduled Tribe and the respondent No.1, Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal, is directed to issue a validity certificate to him within four weeks from the date of receipt of the present order.

19. The writ petition is disposed of.

20. Rule is made absolute. No order as to costs.

(NANDESH S. DESHPANDE, J.)

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

Jayashree..