



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

WRIT PETITION NO. 5666/2024  
AND  
WRIT PETITION NO. 7146/2022

WRIT PETITION NO. 5666/2024

Ku. Sanika Uttam Choudhari  
(Age 17), Occupation: Student  
(Admitted to B.E. 4 years Course)  
Father Guardian:- Uttam  
Dhyaneshwar Chaudhari, At:  
Mana Mohlla, Mangalwari Peth,  
Umred, District Nagpur 441203  
[sanikachoudhari2@gmail.com](mailto:sanikachoudhari2@gmail.com) M.  
9309283290

.....PETITIONER(S)

// VERSUS //

- (1) The State of Maharashtra,  
Through its Chief Secretary,  
Mantralaya Extension, Mumbai  
400032, email:-  
cs@maharashtra.gov.in
- (2) State Common Entrance Test Cell,  
Maharashtra State, Through its  
Commissioner,  
8<sup>th</sup> Floor, New Excelsior Building,  
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- (3) MIT Academy of Engineering,  
Alandi, Pune, (Deleted)

Bansilal Ramnath Agrawal  
Charitable Trust's Vishwakarma  
Institute of Technology Bibewadi,  
Pune, 411037, Through its  
Principal, admission@vit.edu.

**Amended as per Court's order  
dated 04/09/2025**

- (4) The Scheduled Tribe Certificate  
Scrutiny Committee, Nagpur,  
Through its Member Secretary,  
Giripeth, Nagpur 440010, email:  
tcscnagpur@gmail.com

- (5) Savitribai Phule Pune University,  
Through its Registrar,  
Ganeshkhind Road, Ganesh  
Khind, Pune 411007

**Amended as per Court's order  
dated 04/09/2025**

**.....RESPONDENT(S)**

**AND**  
**WRIT PETITION NO. 7146/2022**

Ku. Khushi Purushottam  
Chaudhari (Age-17), Occupation:-  
Student (Admitted to B.Sc  
Agriculture), Mother Guardian:  
Smt. Sharda Purushottam  
Chaudhari, At:- Mana Mohlla,  
Mangalwari Peth, Umre, District  
Nagpur 441203  
khushipchaudhari@gmail.com M.  
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**.....PETITIONER(S)**

// VERSUS //

(1) The Joint Commissioner-cum-Vice Chairman, The Scheduled Tribe Certificate Scrutiny Committee, Giri Peth, Nagpur 440010 tcsnagpur@gmail.com

(2) Chief Secretary,  
State of Maharashtra, Mantralaya,  
Mumbai 400032

(3) The Principal, College of Agriculture, Sonali, Tal. Newasa, District Ahmednagar 414105

....RESPONDENT(S)

.....  
Shri N.D. Jambhule & Shri A. Ramteke, Advocates for the respective  
Petitioner(s)  
Shri N.R. Patil, AGP for the Respondent/State  
Shri V. Joshi, Advocate h/f Shri N.A. Gaikwad, Advocate for the  
Respondent No. 2 & Shri D.U. Thakare, Advocate for the Respondent  
No. 3 in W.P. No. 5666/2024  
.....

CORAM : M.S. JAWALKAR & NANDESH S. DESHPANDE, JJ.

CLOSED FOR JUDGMENT ON :- MARCH 24, 2026

JUDGMENT PRONOUNCED ON :- APRIL 10, 2026

JUDGMENT :- (PER:- M.S. JAWALKAR, J.)

. **RULE. Rule made returnable forthwith.** Heard finally by consent of learned Counsel for the respective parties.

(2) By these Petitions, the Petitioners are challenging the orders passed by the Respondent – Scheduled Tribe Caste Certificate

Scrutiny Committee, Nagpur (hereinafter referred to as “the Caste Scrutiny Committee”) whereby the tribe claims of the Petitioners of belonging to “Mana” Scheduled Tribe came to be invalidated. The Petitioners in both the Writ Petitions are cousin sisters.

(3) Since Writ Petition No. 5666/2024 is treated as lead Petition, the facts and contentions stated in the said Writ Petition are set out for adjudication of the issues involved in both the Petitions and they are being decided by this common judgment.

(4) The facts giving rise for filing of Writ Petition No. 5666/2024 are as under:-

(5) On 10/06/2024, the Sub-Divisional Officer, Umred issued tribe certificate of “Mana” Scheduled Tribe to the Petitioner. The Petitioner, being qualified the MHT-CET examination, secured admission in the Chemical Engineering Course in the Respondent No. 3 – College on 17/08/2024. The Respondent No. 2 – CET Cell directed the Petitioner to submit validity certificate, failing which, her admission would be automatically cancelled. Thereafter, on 11/06/2024, the Petitioner submitted Application for grant of validity certificate before the Respondent – Caste Scrutiny Committee. On 04/09/2024, the Vigilance Cell submitted the enquiry report to the Respondent – Caste Scrutiny Committee. On 05/09/2024, the Petitioner was served with a show cause notice. As the Petitioner

being minor at the relevant time, the father of the Petitioner submitted reply to the Vigilance Cell enquiry report on 06/09/2024. By the order dated 10/09/2024, the Respondent – Caste Scrutiny Committee invalidated the tribe claim of the Petitioner.

(6) Learned Counsel for the Petitioner submitted that the Respondent – Caste Scrutiny Committee has already granted validity certificates in favour of blood relatives of the Petitioner including her father. In spite of submission of the said validity certificates to the Respondent – Caste Scrutiny Committee, the Respondent – Caste Scrutiny Committee invalidated the claim of the Petitioner. In support of her claim, the Petitioner submitted following validities before the Respondent – Caste Scrutiny Committee:-

| Sr. No. | Name of the document | Name of the person         | Relation with the Petitioner | Tribe | Date       |
|---------|----------------------|----------------------------|------------------------------|-------|------------|
| 1.      | Validity certificate | Uttam Chaudhari            | Father                       | Mana  | 31/05/2007 |
| 2.      | Validity certificate | Krushna Chinduji Chaudhari | Cousin Uncle                 | Mana  | 06/12/2010 |
| 3.      | Validity certificate | Mala Chinduji Chaudhari    | Cousin Aunt                  | Mana  | 06/12/2010 |
| 4.      | Validity certificate | Vaishali Dattu Chaudhari   | Cousin Aunt                  | Mana  | 09/03/2010 |
| 5.      | Validity certificate | Jyoti Dattu Chaudhari      | Cousin Aunt                  | Mana  | 28/06/2007 |

(7) Learned Counsel for the Petitioner further submits that if blood relatives of the person applying for verification before the Caste Scrutiny Committee have been granted tribe validity

certificates, no further enquiry by the Scrutiny Committee is called for. It is the duty of the Caste Scrutiny Committee to validate the tribe certificate. It is further submitted that the validity certificate issued to the father of the Petitioner i.e. Mr. Uttam Chaudhari has been issued after conducting due vigilance enquiry by the Respondent – Caste Scrutiny Committee.

(8) It is submitted that the Petitioner has also submitted the vaccination record and birth extract register of Bhagu, a daughter born to Sadhya, which is a pre-constitutional document dated 24/12/1930 & 22/03/1931 showing entry 'Mana'. The said document is the oldest one submitted by the Petitioner, which should have been taken into consideration by the Respondent – Caste Scrutiny Committee. Hence, he prays that the orders passed by the Caste Scrutiny Committee be quashed and set aside and directions needs to be issued to the Respondent – Caste Scrutiny Committee to grant validity certificates to the Petitioners.

(9) Learned Counsel for the Petitioner, in support of his contentions, placed reliance on the following citations:-

- (a) Writ Petition No. 5832/2022 (Gautam Parasram Gadmade vs. The Commandant, State Reserve Police Force, Gat No. 9, Amravati & others);
- (b) Writ Petition No. 6883/2023 (Lisha D/o Banduji Gajbe vs. The Vice Chairman/Member-Secretary,

Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur);

(c) Writ Petition No. 8392/2022 (Sakshi D/o Shrikant Katkar vs. The Vice-Chairman, Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur & others);

(d) Writ Petition No. 5388/2024 (Ku. Payal Mahendra Gajbe vs. The Scheduled Tribe Certificate Scrutiny Committee, Nagpur & others);

(e) Writ Petition No. 1192/2022 (Ku. Samiksha Vilas Dharne vs. The Scheduled Tribe Certificate Scrutiny Committee, Nagpur);

(f) Apporva D/o Vinay Nichale vs. Divisonal Caste Certificate Scrutiny Committee No. 1 & others reported in 2010(6) Mh.L.J. 401;

(g) Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra, 2023(2) Mh.L.J. 785;

(h) Priya Pramod Gajbe vs. State of Maharashtra, 2023 SCC Online SC 909.

(10) *Per contra*, learned AGP for the Respondent – Caste Scrutiny Committee submitted that the genealogy submitted by the Petitioner for validation is very corroborating. The Petitioner has not submitted any strong evidence to the Caste Scrutiny Committee while submitting the proposal or during the hearing of the matter. It is submitted that in case of the blood relatives of the Petitioner, no detailed enquiry was conducted. Insofar as case of father of the Petitioner is concerned, the Investigating Officer of the Police

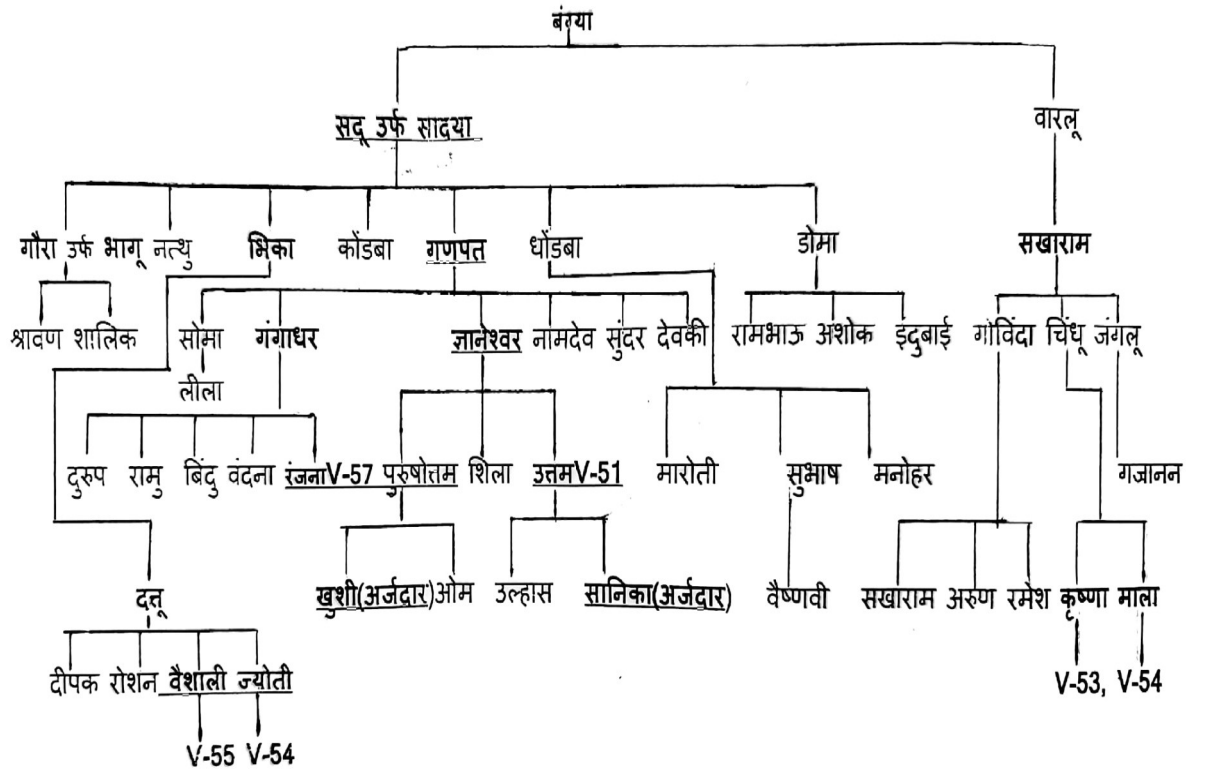
Vigilance Cell conducted the investigation in a purely casual manner and based on a cursory investigation report, the Caste Scrutiny Committee issued the validity certificate to the father of the Petitioner. It is submitted that there were consistent entries of Mani in the documents submitted by the relatives of the Petitioner, therefore, the Committee started the review procedure against the said validity holders and Show Cause Notices were issued to the said blood relatives of the Petitioner.

(11) Learned AGP also submitted that the traditional residence of the Petitioner's family is in Nagpur and Nagpur is not a residential area of Scheduled Tribes. So also, the Petitioner has not migrated from the traditional habitat of "Mana" Tribe to Nagpur and the Family Affinity (Socio-Cultural Affinity) of the Petitioner is not related to "Mana" tribe. Hence, the order passed by the Caste Scrutiny Committee does not suffers from any error of law, and therefore, the Writ Petitions, being devoid of merits, are liable to be dismissed.

(12) Learned AGP for the Respondent – Caste Scrutiny Committee, in support of his contentions, placed reliance on the order passed by this Court in **PIL No. 102/2013 (Narayan Dinbaji Jambule & others vs. The Scheduled Tribe Certificate Scrutiny Committee, Gadchiroli & others)**.

(13) Heard learned Counsel for the respective parties, gone through the record and proceedings of the Caste Scrutiny Committee with the assistance of learned AGP and considered the citations relied upon by the Petitioners.

(14) For the sake of convenience, the genealogy tree of the Petitioners is reproduced as under:-



(15) On perusal of the record, it appears that the oldest document produced by the Petitioners is 24/12/1930 which is a certified copy of the vaccination register of an infant born namely Bhagu. In the said certified copy, it is mentioned that Sadhya Bangya Mana is having child Bhagu (mentioned as 'Ladka'), the date of birth

is shown as 24/12/1930 and the date of vaccination is shown as 22/03/1931. This old document is doubted by the Vigilance Cell as well as the Caste Scrutiny Committee on the ground that there is mention of 'ladka' (son) whereas the document procured by the Vigilance Cell, which is at Page No. 91 of the Petition, at Serial No. 218, father's name is shown as Sadhya Bangya, name of son or daughter is shown as Mana ladki (daughter) Bhagu. On comparison of the document procured by the Vigilance Cell as well as the document produced by the Petitioner, it appears that the date of birth, date of vaccination and all other details are matching except the word 'ladki'. The only mistake appears to be the mention of the word 'ladka' instead of 'ladki'. It can be inferred that it is a clerical mistake made by the Authorities. However, it does not make any difference for holding Sada Bangya as Mana and having daughter namely Bhagu whose date of birth is 24/12/1930. Only for this above referred reason, the Caste Scrutiny Committee cannot discard the said document.

(16) The Caste Scrutiny Committee has further observed that there is no person by name Bhagu in the family tree of the Petitioners. On perusal of the family tree procured by the Vigilance Cell, during enquiry which is in detail, it shows Sadu alias Sadya having daughter namely Gaura alias Bhagu, the name of father of

Sadu is mentioned as Bhangya. Thus, the finding recorded by the Caste Scrutiny Committee in respect of this document is not only erroneous, but also perverse to the evidence on record. The contention of the Petitioners that while giving go-bye to the said document of 1930, the Caste Scrutiny Committee made reference to the document dated 30/07/1912 in respect of Bhagu Kawadu. In the remark column, it is also mentioned that the said document is suppressed by the Petitioner. Even today, that document is not available in the record. The documents which were procured by the Vigilance Cell are enlisted on Page No. 108. There is no reference of any document of 1912. However, there is entry in the extract given by the Headmaster of Mangalwari Corporation School, Umred pertaining to the admission of the said Bhagu Kawadu on 14/11/1927.

(17) If the family tree of the Petitioners is perused, there is no person by name Bhagu – son of Kawadu. Similarly, the document dated 04/03/1922 pertaining to Namdeo Doma which is the extract admission register of the school, there is no person by name Namdeo Doma in the family of the Petitioners. Insofar as the document pertaining to one Sakharam S/o. Warlu Mana is concerned, it is the certified copy of the birth extract issued by Nagar Parishad, Umred dated 20/03/1949, in which the tribe is mentioned as ‘Mana’. The name Sakharam is appearing in the family tree of the Petitioners and

in the said document, there is specific mention of 'Mana'. This document is discarded on the ground that there is remark of Vigilance Cell Enquiry Officer that the said record is in a tattered condition, and therefore, its genuineness cannot be verified; that the concerned Officer was on leave and as soon as he will resume, the document would be included in the file. Moreover, it is observed that the said certified copy is obtained in the year 2005 by one Shyam Sundar Wagh, and therefore, this document is pertaining to that Wagh family.

(18) Before coming to such conclusion, the Caste Scrutiny Committee has not taken any pain to show how this document is pertaining to Wagh family specifically when the names are appearing in the family tree of the Petitioners. Only if a certified copy is obtained by some other person, the Caste Scrutiny Committee cannot conclude that the said document must be pertaining to the Applicant therein. In fact, it appears that the forefathers of the Petitioners were not much educated and it may happen that somebody helped them to obtain the certified copy of the said document. There is no restriction or any law prescribing that only the member of the family can apply for the documents. Once the certified copy is placed on record and when there is no finding that the said document is fabricated or fraudulently obtained, it has

presumptive value and unless the said presumption is rebutted, the evidenciary value of the said document will remain intact. Only by saying that the document must be of the Applicant – Wagh would not suffice, unless it is shown that there is a person by name Sakharam Warlu in the family of Wagh.

(19) The Petitioners drew our attention to the validity certificates issued in favour of his father – Uttam Chaudhari, cousin uncle Krishna Chaudhari and cousin aunt – Mala Chinduji Chaudhari which were also produced before the Caste Scrutiny Committee. The Caste Scrutiny Committee discarded those validity certificates. The validity certificates in respect of Krishna and Mala were not considered on the ground that there is no affidavit filed by the Petitioners of the validity holders. However, it can be seen that the names of Krishna and Mala are appearing in the family tree of the Petitioners. Insofar as the validity pertaining to the father of the Petitioner namely Uttam Chaudhari is concerned, it was not considered by the Caste Scrutiny Committee on the ground that there was no vigilance enquiry conducted as per law. From the order, it appears that vigilance was conducted while granting validity to the father of the Petitioner. Two more validity certificates were produced by the Petitioner in respect of Vaishali Dattu Chaudhari and Jyoti Dattu Chaudhari who are cousin aunt of the Petitioners.

The same were also discarded by the Caste Scrutiny Committee. It is a settled principle of law that as per Rule 12(2) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003, it is not necessary to direct vigilance if the Caste Scrutiny Committee is satisfied with the documents placed on record. The Caste Scrutiny Committee has no power to review the order passed by the Competent Caste Scrutiny Committee in the earlier point of time.

(20) Learned Counsel for the Petitioner relied on the judgment in **Gautam Parasram Gadmade (supra)** wherein this Court in Paragraph Nos. 10 and 11, held as under:-

*“10. Moreover, it is evident that there are some entries in the Pre-Constitutional documents showing the paternal forefathers of the petitioner to be belonging to 'Mana', 'Mane', 'Kunbi Mane', 'Mane Kunbi', and so on, but it is also proved that the son of the petitioner has been granted Validity Certificate as he belonging to 'Mana' Scheduled Tribe, as per the directions issued by the Hon'ble Apex Court in its decision rendered in CA No.5270/2004, It appears that the Scrutiny Committee has not given any importance to the evidentiary value to the documents produced by the petitioner before it i.e the Validity Certificate granted to the son of the petitioner on the basis of the directions issued by the Hon'ble Apex Court and has given undue importance to*

*some stray entries in the documents of the forefathers of the petitioner, as being inconsistent with each other.*

*11. In fact, the law is well settled on the question of the evidentiary value of a Validity Certificate granted to a person by the competent Scrutiny Committee. The Validity Certificate granted to a person by the competent Scrutiny Committee stands as conclusive proof of the social status of that person unless it is revoked for legally admissible reasons. Therefore, what stands as conclusive proof of the social status of a person also stands as sufficient and reasonable proof of the social status of a person, who is related from the paternal side to a person in whose favour the Validity Certificate has been granted. Obviously, in such a case, the Scrutiny Committee must ascertain whether the certificate is genuine and same was issued in favour of the blood relatives of the said person if it is found that after holding due inquiry and following due procedure same was issued then the Scrutiny Committee has to rely on the said Validity Certificate and ought to have issued a certificate in favour of the petitioner. But in the case at hand, the Scrutiny Committee has completely ignored the settled position of law and rejected the application of the petitioner by giving unnecessary and undue importance to the other documents. Thus, it appears that the Scrutiny Committee has superseded its jurisdiction in making certain comments upon the unreliability of the Validity Certificate granted to the son of the petitioner-Gouresh.”*

(21) The five validities were placed on record whose names are appearing in the family tree. As stated above, there is no Rule prescribing the vigilance mandatory. However, in case of father, due vigilance enquiry was conducted. Learned Counsel for the Petitioner also placed reliance on the judgment in **Lisha D/o Banduji Gajbe (supra)** wherein relying on the judgment in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra)**, this Court held that the Committee which has expressed a doubt about the validity of caste claim of the petitioner ought not to have arrived at a different conclusion. Where a Committee has given a finding about the validity of the caste of a candidate another Committee ought not to refuse the same status to a blood relatives who applies.

(22) Learned Counsel for the Petitioners also placed reliance on the judgment in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra)**, wherein the Hon'ble Supreme Court, held in Paragraph Nos. 19 and 22, as under:-

*“19. Sub-rule (2) of Rule 12 clearly provides that only if the Scrutiny Committee is not satisfied with the documentary evidence produced by the applicant, it shall forward the application to the Vigilance Cell for conducting the school, home and other enquiry. Therefore, in every case, as a matter of routine, the Scrutiny Committee cannot mechanically forward the application to Vigilance Cell for conducting an enquiry.*

*When sub-rule (2) of Rule 12 contemplates that only if the Scrutiny Committee is not satisfied with the documents produced by the applicant that the case should be referred to Vigilance Cell, it follows that the Scrutiny Committee is required to pass an order recording brief reasons why it is not satisfied with the documents produced by the applicant. Before referring the case to the Vigilance Cell, application of mind to the material produced by the applicant is required and therefore, the application of mind must be reflected in the order sheets of the Scrutiny Committee.*

*“22. We can also contemplate one more scenario which is found in many cases. These are the cases where the applicant relies upon caste validity certificates issued to his blood relatives. Obviously, such a validity certificate has to be issued either by the Scrutiny Committee constituted in terms of the directions issued in Kumari Madhuri Patil’s case or constituted under the Rules framed under the 2000 Act. In such a case, firstly, the Scrutiny Committee must ascertain whether the certificate is genuine. Secondly, the Scrutiny Committee will have to decide whether the applicant has established that the person to whom the validity certificate relied upon by him has been issued is his blood relative. For that purpose, the applicant must establish his precise and exact relationship with the person to whom the validity certificate has been granted. Moreover, an enquiry will have to be made by the Scrutiny Committee whether the validity certificate has been granted to the blood relative*

*of the applicant by the concerned Scrutiny Committee after holding due enquiry and following due procedure. Therefore, if the Scrutiny Committee has issued a validity certificate contemplated in terms of the decision in the case of Kumari Madhuri Patil, the examination will be whether the enquiry contemplated by the said decision has been held. If the certificate relied upon is issued after coming into force of the 2000 Act, the Scrutiny Committee will have to ascertain whether the concerned Scrutiny Committee had followed the procedure laid down therein as well as in the ST Rules or the SC Rules, as the case may be. For this verification, the Scrutiny Committee can exercise powers conferred on it by Section 9(d) by requisitioning the record of the concerned Caste Scrutiny Committee, which has issued the validity certificate to the blood relative of the applicant. If the record has been destroyed, the Scrutiny Committee can ascertain whether a due enquiry has been held on the basis of the decision of the Caste Scrutiny Committee by which caste validity has been granted to the blood relative of the applicant. If it is established that the validity certificate has been granted without holding a proper inquiry or without recording reasons, obviously the caste scrutiny committee cannot validate the caste certificate only on the basis of such validity certificate of the blood relative.”*

- (23) The certificates issued in favour of the relatives of the Petitioners, specifically the father, is not cancelled yet nor there is

any allegation that those certificates were obtained by fraud or misrepresentation. Therefore, they are still holding the field.

(24) Learned Counsel for the Petitioners also placed reliance on the judgment in **Priya Pramod Gajbe (supra)**, wherein the Hon'ble Supreme Court in Paragraph No. 10 held as under:-

*“10. A perusal of the report of the Vigilance Committee itself would reveal that the appellant's great grandfathers birth record show the caste as 'Mana'. The said document relates to as early as 10th March 1924, while another document of 14th April 1926 shows as 'Mani'. However, it is pertinent to note, and learned counsel for the parties also agree, that there is no caste named 'Mani'. It is thus possible that there could be some mistake in writing when the caste was written. It is to be noted that original record is written in Marathi and not in English. As such, such an error is quite possible.”*

(25) Learned Counsel for the Petitioners placed reliance on the judgment in **Apporva D/o Vinay Nichale (supra)** wherein, this Court held that “where the caste claim of an applicant has been scrutinized and accepted and one committee has given a finding about the validity of the caste, another committee ought not to refuse the same status to his/her blood relatives who applies. It is held that the Government of Maharashtra by its resolution dated 22/08/2007 directed that where during the course of enquiry or

scrutiny of a caste claim it is seen that the caste claim of a blood relatives who applies. In the said judgment, it is held as under:

*“The Government of Maharashtra by its resolution dated 22/8/2007 directed that where during the course of enquiry or scrutiny of a caste claim it is seen that the caste claim of a blood relative such as father, son, daughter, brother and sister has been scrutinized and accepted, the caste claim of the applicant should be allowed without insisting on any other proof. The guidelines provided by the said relationship by blood is established or not doubted, and one such relative has been confirmed as belonging to a particular caste, there is no reason why public time or money should be spent in the committee testing the same evidence and making the same conclusion unless of course the Committee finds on the evidence that the validity of the certificate of such relation has been obtained by fraud.*

*.... Where a committee has given a finding about the validity of the caste of a candidate another committee ought not to refuse the same status to a blood relative who applies. A merely different view on the same facts would not entitle the committee dealing with the subsequent caste claim to reject it. There is, however, no doubt that if a committee is of the view that the earlier certificate is obtained by fraud it would not be bound to follow the earlier caste validity certificate and is entitled to refuse the caste claim and also in addition initiate proceeding for cancellation of the earlier order”*

(26) Moreover, the Circular dated 24/04/1985 has inferred that the term 'Mana' is also known by other names like 'Mani', 'Mane' etc. The same is also reflected in the Anthropological Survey of India, "People of India – Maharashtra" Volume 2 wherein it is stated that the term 'Mana' is also called as 'Mana', 'Mani', 'Mane' etc.

(27) Learned AGP placed reliance on the judgment in **PIL No. 102/2013 (Naryana Dinbaji Jambhule & others vs. The Scheduled Tribe Certificate Scrutiny Committee, Gadchiroli & others)** in support of his contention that if on erroneous presumption or erroneously construing the documents and without undergoing the process of scrutiny, vigilance etc. validity is granted to a member in the family, then such a Validity Certificate will not ipso facto entitle other members of the family to claim Validity Certificate on the basis thereof. In such a case, the Committee will be fully justified in holding *de novo* enquiry if it is found that the claim of such candidate is not supported by documentary evidence and there are contra documents available in denying the claim of such a candidate. In the very judgment, it is made clear that in spite of there being voluminous documents prior to the presidential order being promulgated showing the caste/tribe to be 'Mana', denying Validity Certificate to such candidates on the ground that the documents does

not mention the caste/tribe as 'Mana' Scheduled Tribe, is nothing but an attempt to deny the benefit of validity to the deserving candidates. By no stretch of imagination, the forefathers of the candidates in the years 1920 or 1921 would have imagined that after 30 years the presidential order would be promulgated and they would be described as Scheduled tribe and therefore, they should write Scheduled Tribe after their particular Tribe/Caste.

(28) As such, the orders passed by the Caste Scrutiny Committee, on the face of record, are erroneous and preserve and hence, the same are liable to be quashed and set aside.

(29) Hence, we proceed to pass the following order:-

### ORDER

- (a) The Writ Petitions are **allowed**.
- (b) The orders dated 04/11/2022 and 10/09/2024 passed by the Respondent – Scheduled Tribe Certificate Scrutiny Committee, Nagpur in Case Nos. क. सआ/अजप्रतस/नाग/I/275/31/2024 and JC/TCSC/NGP/I/393/32/2021 are hereby quashed and set aside.
- (c) It is declared that the Petitioners have duly established that they belong to 'Mana' Scheduled Tribe.

- (d) The Caste Scrutiny Committee is hereby directed to issue validity certificates to the Petitioners of belonging to 'Mana' Scheduled Tribe within a period of eight weeks from the date of receipt of copy of this judgment.
- (e) The Petitioners can rely on this judgment until the validity certificates are issued to them.

**Rule is made absolute in the above terms.** Pending Application(s), if any, stand(s) **disposed of**.

(NANDESH S. DESHPANDE, J.)

(M.S. JAWALKAR, J.)