



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

WRIT PETITION No.5874 OF 2024

1. Kanak Sachin Hedao,
aged 18 years, occ. Student,
2. Sachin Krushnarao Hedao,
aged 47 years, occ. Service,
as Assistant Teacher in Zilla Parishad School,

Both residents of Sairam colony,
Paratwada, Achalpur,
District Amravati.

: PETITIONERS

...VERSUS...

The Scheduled Tribe Caste Certificate Scrutiny
Committee, Amravati,
through its Member Secretary,
Chaprasipura, Amravati-444 602.

: RESPONDENT

Mr. R.S. Parsodkar, Advocate for Petitioners.
Mrs. M.S. Naik, Assistant Government Pleader for Respondent.

CORAM : **SMT. M.S. JAWALKAR AND**
NANDESH S. DESHPANDE, JJ.
RESERVED ON : **10th MARCH, 2026.**
PRONOUNCED ON : **30th MARCH, 2026.**

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

1. Rule. Rule made returnable forthwith. Heard finally
with the consent of the parties.
2. The petitioners have filed this petition challenging the

order dated 05/08/2024 passed by respondent Scheduled Tribes Caste Certificate Scrutiny Committee, Amravati (for short “the Committee”), thereby, invalidating her caste claim as belonging to Halbi Scheduled Tribe. Further, they are also praying for granting caste validity to petitioner No.2, who is father of petitioner No.1 whose validity was declared invalid.

3. We have heard Shri R.S. Parsodkar, learned counsel for the petitioners and Mrs. M.S. Naik, learned Assistant Government Pleader for the respondent.

4. The petitioners submitted the following pre-independence documents in support of her caste claim :

Sr No	Document type	Name	Relation	Date	Caste
1	Extract of Mutation of Land Records	Mahadev Shivram Hedao	Great great grandfather	03/11/1920	Halbi
2	Extract of Mutation of Land Records	Ambadas Mahade	Cousin Grandfather	16/06/1936	Halbi
3	Birth Extract	Mahadev Shivram's Son	Great Grandfather	16/12/1938	Halbi
4	School Leaving Certificate	Janardan Mahadev Hedao	Cousin Grandfather	01/04/1939	Halbi
5	School Leaving Certificate	Ambi Mahadevrao	Cousin Grandfather	25/04/1942	Halbi

6	School Leaving Certificate	Uttam Mahadev Hedao	Cousin Grandfather	10/04/1942	Halbi
7	School Leaving Certificate	Ganesh Mahadev Hedao	Cousin Grandfather	13/04/1945	Halbi

5. Learned counsel for the petitioners submits that the Vigilance Cell, in its report dated 16/07/2024, sought to rely upon a document of one “Sivram Koshti” dated 20/09/1917, whereas the great grandfather of petitioner No.1 is not “Sivram”, but “Shivram” and the said Sivram is an entirely different person having no relation whatsoever to the petitioners and has been wrongly foisted upon them. It is further submitted that the Vigilance Cell has also relied upon a document of one “Vatsala Mahadeo” dated 12/07/1955, recording her as “Koshti” and describing her as the grandmother of the petitioner, whereas the petitioners’ grandmother is Ambi recorded as “Halbi” in her school leaving certificate dated 25/04/1942, and not Vatsala. Both Sivram and Vatsala are, therefore, strangers having no genealogical connection with the petitioners.

6. Learned counsel further submits that this Court, vide judgment dated 10/07/2023 in Writ Petition No.4061 of 2018, in the matter of Swati Krushnarao Hedao, real sister of petitioner No.2 and real aunt of petitioner No.1 has categorically held that

Sivram and Vatsala are not related to the petitioners and already have caste validity certificates in her favour. The said judgment has attained finality, not having been challenged before the Hon'ble Supreme Court and is, therefore, binding upon the Committee. Notwithstanding the same, the Committee has, in flagrant disregard of this binding pronouncement, relied upon the very same documents of Sivram and Vatsala to invalidate Petitioner No.1's claim. Reliance is also placed upon **Apoorva Nichale Vs. Divisional Caste Scrutiny Committee, (2010) 4 MHLJ 401**, wherein this Court held that once validity is issued in a family, blood relatives are entitled to a caste validity certificate.

7. Learned counsel further submits that the father of petitioner No.1, i.e. petitioner No.2, was granted a conditional caste validity certificate on 15/05/1997 and no order of cancellation has ever been communicated to him. The impugned order's reference to cancellation of the said conditional validity, without any prior notice or hearing, is in gross violation of the principles of natural justice. It is also submitted that the Committee has wholly failed to consider the overwhelming documentary evidence establishing the tribal identity of the petitioners, including pre-independence documents spanning multiple generations consistently recording

caste as “Halbi”

8. Reliance is placed on **Kumari Madhuri Patil v. Addl. Commissioner, Tribal Development**, (1994) 6 SCC 241; **Anand v. Committee for Scrutiny and Verification of Tribe Claims**, (2012) 1 SCC 113; **Apoorva Nichale v. Divisional Caste Scrutiny Committee**, (2010) 4 MHLJ 401; and **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti v. State of Maharashtra**, (2023) 2 Mh.L.J. 785.

9. Per contra, learned Assistant Government Pleader for the respondent filed reply and supported the impugned order. It is submitted that the proposal for verification of petitioner No.1’s tribe was referred to the Committee for service purpose through her college. The matter was thereafter forwarded to the Vigilance Cell for re-enquiry, and the Vigilance Cell submitted its report on 15/07/2024. It is submitted that Vigilance Cell found the following contra entry :

Sr No	Document type	Name	Relation	Caste Recorded	Date
1	Birth Extract	A male child born to Sivram	Alleged great grandfather	Koshti	20/09/1917

10. The order of committee further states that during the enquiry conducted in the matter of Shri Rituraj Ramesh Hedao,

the paternal cousin uncle of petitioner No.1, on 13/06/2023, adverse entries given below were found and the same have been applied to the present case on the ground that the contra entries found in a blood relative's matter are applicable to the petitioner's case.

Sr No	Document type	Name	Relation	Caste Recorded	Date
1	Birth Extract	A male child born to Bapuji	Great great great grandfather	Sali	25/04/1921
2	Death Extract	Tana Bapu	Son of Great great great grandfather	Koshti	30/09/1921

11. We have heard learned Counsels appearing for the parties and perused the records. The foundational question in the present case is whether Sivram and Vatsala, whose documents were relied upon by the Vigilance Cell, bear any genealogical relationship with the petitioners. Before advertng to that question, it is apposite to notice the settled legal position as regards the effect of a caste validity certificate granted in favour of a blood relative. This Court in **Apoorva Nichale v. Divisional Caste Scrutiny Committee, (2010) 4 MHLJ 401**, has laid down with unambiguous clarity that once a caste validity certificate is issued in favour of a member of a

family, the blood relatives of such member are entitled to a caste validity certificate as a matter of right, inasmuch as the caste of a family is one and indivisible and cannot differ from member to member.

12. In the present case, petitioner No.2 i.e the father of Petitioner No.1 was granted a conditional caste validity certificate of Halbi Scheduled Tribe on 15/05/1997, and no order of cancellation was ever communicated to him. More significantly, Ms. Swati Krushnarao Hedao who is the real sister of petitioner No.2 and the real paternal aunt of petitioner No.1 has been granted an unconditional caste validity certificate of “Halbi” Scheduled Tribe by this Court vide judgment dated 10/07/2023. In view of the law laid down in *Apoorva Nichale* (supra), the grant of a caste validity certificate in favour of the real paternal aunt of petitioner No.1 in itself have been conclusive of the matter and sufficient to entitle petitioner No.1 to a caste validity certificate without further demur.

13. Over and above this, the said judgment dated 10/07/2023, rendered in Writ Petition No.4061 of 2018 in the matter of Ms. Swati Krushnarao Hedao, has also conclusively answered the very question of whether Sivram and Vatsala bear any

ancestral relationship with the petitioners' family. The said Bench, upon a meticulous appreciation of the very same documents now sought to be relied upon before this Court, held as under :

7. We find support in the argument of learned Counsel for the petitioner that since no further details except the names "Shivram" and "Vatsala" and their caste as "Koshti" in the documents relied by the Caste Scrutiny Committee are found and these persons are different, particularly, in view of the number of pre-constitutional documents of Shivram Mahadeo showing the caste "Halbi" and coupled with the specific contention in the reply to the Vigilance Cell that Vatsala is not aunt of the petitioner. We find that having no further details, except the name of "Shivram" and "Vatsala", the Caste Scrutiny Committee unnecessarily connected these persons as relatives of the petitioner. Therefore, this finding of the Caste Scrutiny Committee does not sustain.

8. The Caste Scrutiny Committee did not consider all these aspects and erroneously invalidated the caste claim of the petitioner. Therefore, the order of invalidation passed by the Caste Scrutiny Committee is required to be set aside."

14. This Court respectfully concurs with and adapts the aforesaid reasoning in its entirety. Since the earlier co-ordinate Bench has already decided, with finality, that Sivram and Vatsala are strangers to the petitioners' family and bear no genealogical nexus whatsoever to their lineage, the said finding is binding upon

the Committee and operates as a conclusive precedent in the present proceedings. It is a well-entrenched principle that where a coordinate Bench has authoritatively resolved an identical question of fact and law arising in respect of blood relatives of the same family and on the very same set of ancestral documents, it would be wholly impermissible for the Committee or indeed for this Court to re-agitate and re-examine that very question afresh.

15. For the seasons mentioned hereinabove and in view of the judgment of this Court dated 10/07/2023 in Writ Petition No.4061 of 2018, petitioner No.2 as well has independently and conclusively established his caste claim as belonging to “Halbi” Scheduled Tribe on the basis of documentary evidence placed on record.

16. In view of the foregoing, we are of the considered opinion that the impugned order dated 05/08/2024 passed by the Committee is unsustainable in law being perverse and is contrary to the binding judgment of a coordinate Bench of this Court dated 10.07.2023. It is also violative of the settled principles enunciated in *Apoorva Nichale* (supra), and is founded upon documents and entries that have either been conclusively held to be irrelevant or are otherwise internally inconsistent and unreliable. The impugned order is accordingly liable to be quashed and set aside in its

entirety.

17. This Court is constrained to record its strong displeasure at the conduct of the Committee. The judgment dated in 10/07/2023 in Writ Petition No.4061 of 2018 was squarely binding. Yet, it was consciously and willfully ignored by the Committee. Such conduct is contumacious and a fit case for exemplary costs. Costs of Rs.50,000/- is imposed upon the respondent i.e. Scrutiny Committee, Amravati to be deposited in four weeks. We, therefore, pass the following order :

ORDER

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 05/08/2024 passed by the respondent - Scheduled Tribes Caste Certificate Scrutiny Committee, Amravati, invalidating the caste claim of petitioner No.1 belonging to "Halbi" Scheduled Tribe, is hereby quashed and set aside.
- (iii) Both petitioner No.1 and 2 have proved their cases independently. Thus, the respondent - Scheduled Tribes Caste Certificate Scrutiny Committee, Amravati is directed to issue a caste

validity certificate to the petitioner No.1 and petitioner No.2 certifying her as belonging to “Halbi” Scheduled Tribe within a period of four weeks from the date of receipt of a certified copy of this order.

- (iv) The respondent - Scheduled Tribes Caste Certificate Scrutiny Committee, Amravati shall pay costs of Rs.50,000/- (Rs. Fifty Thousand only) in the ‘Public Welfare Account’ bearing Account No.129712010001014 (IFSC Code : UBIN0812978 in the Union Bank of India, Branch High Court, Civil Lines, Nagpur within a period of four weeks from today.
- (v) If such cost is not paid within time of four weeks, the same to be recovered as fine imposed by Registry of this Court.
- (vi) Rule is made absolute in the above terms.

(NANDESH S. DESHPANDE, J.)

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