



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

WRIT PETITION No.7333 OF 2024

Laxmi D/o Sahadev Jadhav,
Aged about 36 yrs, Occ. Nil,
R/o Dadhamb, Post – Ridhora,
Tah. Balapur, Distt. Akola. : PETITIONER

...VERSUS...

1. The Vice-Chairman/Member-Secretary,
Scheduled Tribe Caste Certificate Scrutiny
Committee, Amravati.
2. Deepak S/o Tarachand Jain,
Aged about 54 yrs, Occ. Agriculturist,
R/o Chondhi, Tah. Patur, Distt. Akola
(Caveator). : RESPONDENTS

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Ms. Preeti Rane, Advocate for Petitioner.
Mr. S.V. Narale, Assistant Government Pleader for Respondent No.1.
Mr. A.J. Thakare, Advocate for Respondent No.2.

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CORAM : **SMT. M.S. JAWALKAR AND**
NANDESH S. DESHPANDE, JJ.
RESERVED ON : **09th MARCH, 2026.**
PRONOUNCED ON : **27th APRIL, 2026.**

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

1. Rule. Rule made returnable forthwith. Heard finally
with the consent of the parties.
2. By this petition under Article 226 of the Constitution of
India, the petitioner challenges the order dated 04.12.2023, passed

by Respondent No.1, Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati (hereinafter “the Committee”) invalidating her tribe claim towards “Gond” Scheduled Tribe, recognized at Sr. No.18 of the Constitution (Scheduled Tribes) Order, 1950, on the grounds of documentary evidence, affinity, and area restriction.

3. The petitioner was issued a caste certificate dated 25.05.2005 by the Competent Authority. She forwarded her proposal for caste verification along with the documents given below pertaining to herself and her paternal side blood relatives.

Sr No	Document type	Name	Relation	Date	Caste
1	Hakka Nond Extract (Revenue Record)	Yashwant	Grandfather	1911-2012	Gond
2	Birth Entry	Isram Ganpat	Great Grandfather	01.04.1929	Gond
3	Birth Entry	Son of Ganpat	Great Grandfather's son	1932	Gond

4. The Vigilance Cell enquiry was conducted on 30.10.2014 and the report was submitted on 12.01.2015, wherein the statement of the petitioner's brother was recorded for testing affinity. The petitioner submitted her reply on 06.02.2015. The Committee vide impugned order dated 04.12.2023 invalidated the tribe claim on the grounds that: (i) documents do not establish

Gond Scheduled Tribe identity; (ii) petitioner failed the affinity test; and (iii) area restriction operates against the claim.

5. It is pertinent to note that Committee initially issued a validity certificate dated 05.08.2011 after considering documents, area, and affinity. The respondent No.2 challenged the same in Writ Petition No.3287/2012, which was dismissed on 23.07.2012. Thereafter, Letters Patent Appeal No.164/2013 was filed and decided on 02.08.2013, whereby the validity order was set aside and the matter was remanded for fresh adjudication. The impugned order has been passed in pursuance of the said remand.

6. We have heard Ms. Preeti Rane, learned counsel for the petitioner, Mr. S.V. Narale, learned Assistant Government Pleader for respondent No. 1, and Mr. A.J. Thakkar, learned counsel for respondent No. 2.

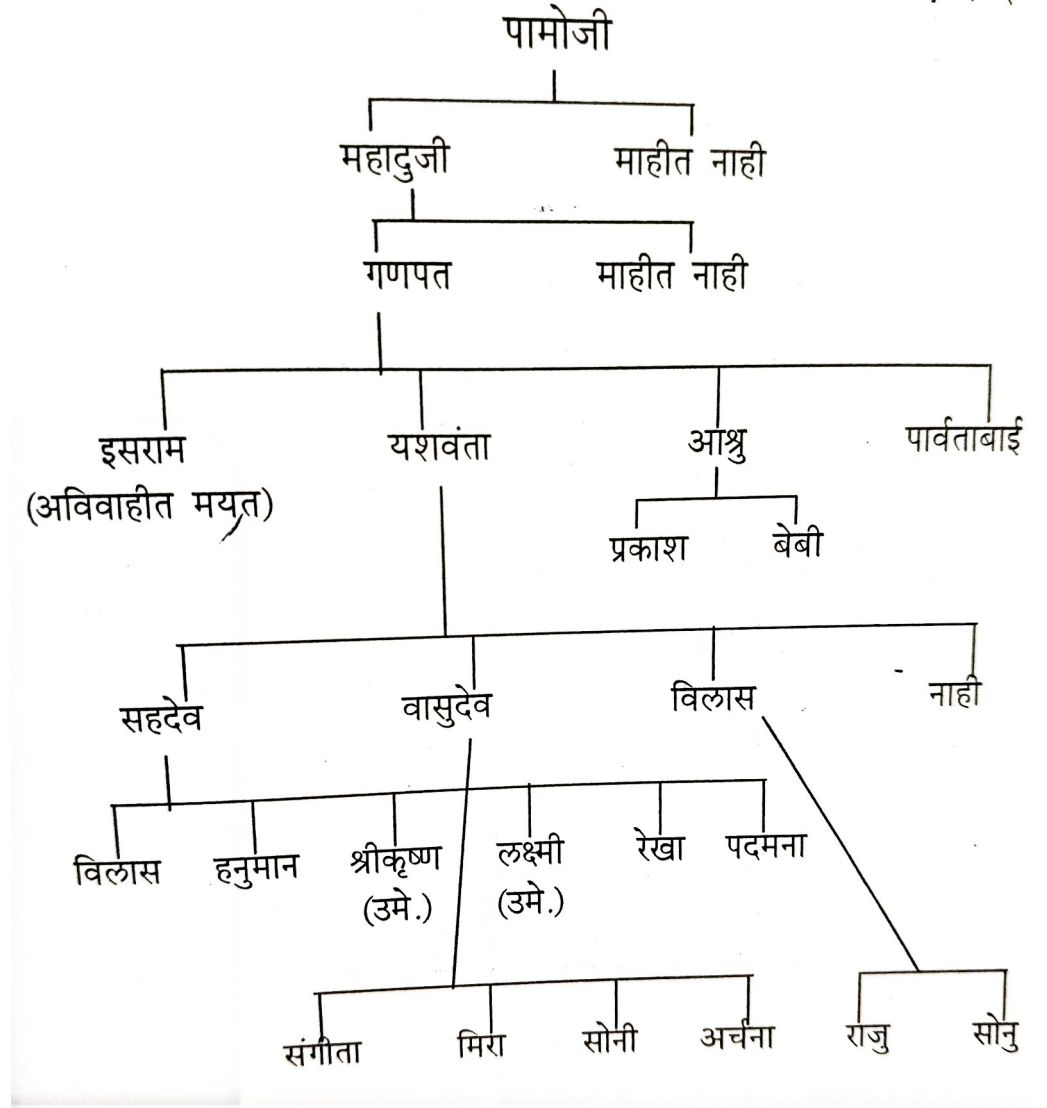
7. Learned counsel for the petitioner submits that pre-Constitutional entries of 1911–12, 1929, and 1932 consistently record caste as “Gond” and conclusively establish tribal identity. The adverse “Koli” entry procured by the vigilance officer is not applicable, as the person reflected therein does not correspond to the petitioner’s family tree.

8. It is further submitted that the impugned order relies on documents and entries never forming part of the vigilance

report, making it contrary to record. The Committee also failed to consider the previously issued validity certificate and other oldest documents, which ought to have been given due weightage. The present order, being diametrically contrary to the earlier validity order of 05.08.2011 passed after considering documents, area, and affinity, and having been passed under Rule 12(2) of the Rules without any change in circumstances, is liable to be set aside.

9. It is further submitted that the petitioner and her family members satisfactorily answered the entire affinity questionnaire. The Committee, however, ignored the said replies and by adopting a hyper-technical approach of repeated and layered questioning arrived at an erroneous conclusion on affinity, which is liable to be deprecated. Where pre-Constitutional documents establish “Gond” caste entry, the affinity test cannot be applied in isolation as a litmus test, documents and affinity must be read conjointly, and rejection on affinity alone is wholly illegal and perverse. 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; and **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti v. State of Maharashtra**, 2023(2) Mh.L.J. 785.

10. Per contra, learned Assistant Government Pleader for



respondent No.1 supported the impugned order. It is submitted that the petitioner was duly heard and that the vigilance enquiry procured the following adverse documents :

Sr No	Nature of Document	Name	Caste Recorded	Year	Relation
1	Birth Extract	Child born to Ganpat Mahadu	Koli	09.02.1932	Great Grandfather
2	Dhakhal Kharij Register Extract	Vasudev Yashvant	Koli	31.07.1970	Real Uncle

3	Dhakhal Kharij Register Extract	Laxmi D/o Sahadev Jadhav	Gond Hindu	31.07.1997	Self
4	Dhakhal Kharij Register Extract	Hanuman Sahadev Jadhav	Gond Hindu	09.07.1997	Brother
5	Dhakhal Kharij Register Extract	Shrikrushna Sahadev Jadhav	Gond Hindu	16.07.2007	Brother

11. It is submitted that these entries establish that the petitioner belongs to the Koli/SBC community and cannot claim benefits of Gond Scheduled Tribe on the basis of synonymous nomenclature, in view of **Milind Katware Vs. State of Maharashtra, (2001) 1 SCC 41 and Civil Appeal No.4096/2020 & Others.** The petitioner also failed to establish socio-cultural affinity with Gond Scheduled Tribe. Reliance is placed on **Pramod s/o Madhukar Mukunde (Writ Petition No.1709/2018), Gopal Kisan Dhone (Writ Petition No.1744/2018), Sushma Gopal Dhone (Writ Petition No.1745/2018), Aarti s/o Kishor Bhonde (Writ Petition No.4130/2023), Rajesh Keshvrao Ingle (Writ Petition No.2540/2022), and Sunil Nilkanthrao Tapre (Writ Petition No.990/2018).**

12. Learned counsel for respondent No.2 filed written submissions supporting the impugned order. It is submitted that after an investigation spanning 10 years, the Committee found that

the Koli community had perpetrated a systematic fraud by fabricating village records and appropriating tribal documents of the Gond community whose members had vacated village “Dudham” on account of the Nirguna Project. The Home Department officials upon personal visit to village “Dudham” found that Gond tribal surnames are Atram, Sidam, Pendam, and Uike, whereas Koli community surnames are Jadhav, Kolhe, Gawali, and Ingle – the petitioner bearing surname Jadhav thus belonging to the Koli community. Documents filed by the petitioner reveal caste either as “Koli” or “Gond Hindu” with no consistency, and no specific challenge has been raised to these findings; the petition is accordingly devoid of merit and liable to be dismissed.

13. We have considered the contentions canvassed by the learned counsel for the respective parties. We have also gone through the record of the matter with their assistance. Admittedly, the petitioner has sought a validity certificate that he belongs to “Gond” Scheduled Tribe. The oldest document filed in support of his caste claim was a birth extract of a son born to Ganpat vald Mahadu Gond. The document is of dated 01.04.1929. Similarly, an extract of record of rights of one Yashwant Ganpat Gond was filed, which also shows caste as “Gond”. While discussing these documents and discarding the same the Scrutiny Committee has

recorded a finding that even though in the said documents the caste is mentioned as Gond, however, it doesn't mention that it belongs to "Gond Scheduled Tribe". Further reason for rejecting and discarding the said oldest documents is that in school and revenue records, the caste of forefathers has to be found as "Koli" or "Gond Hindu". Both these reasons, in our view, are unsustainable in law. The Scrutiny Committee failed to appreciate that the oldest documents have more probative value in view of the judgment of this Court and the Hon'ble Apex Court reported in **Apoorva d/o. Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee**, reported in **2010 SCC Online Bom 1053**. Thus, the order regarding those old documents is unsustainable in law.

14. Furthermore, only because the petitioner has filed a document of one Ganpat Mahadu showing the caste as "Koli", which dates back to 1932, cannot be a reason to discard the claim of the petitioner if otherwise on the basis of documents older to the said documents i.e. of 1911-12 and 1929, his caste as "Gond" is clearly seen. Thus, the reasoning for discarding the claim is totally unsustainable.

15. The petitioner had respectfully submitted in her reply to vigilance cell report that Wasudeo Yashwanta never went to school and there is possibility that his case as Koli might have been

mentioned by ignorance by a neighbour. This explanation is not at all considered by the Committee.

16. As far as the affinity test is concerned, as is settled in the judgment of **State of Maharashtra and others Vs. Mana Adim Jamat Mandal**, reported in (2006) 4 SCC 98, the said affinity test cannot be a sole pointer when otherwise the petitioner can prove independently his caste claim. For these major reasons, the order is unsustainable in law and, therefore, cannot withstand the scrutiny of law. We, therefore, pass the following order :

ORDER

- (i) The Writ Petition is allowed.
- (ii) The order dated 04.12.2024 passed by the respondent No.1 Scrutiny Committee Amravati is quashed and set aside.
- (iii) The respondent No.1 Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati is directed to issue caste validity certificate to the petitioner certifying her as belonging to "Gond" Scheduled Tribe within a period of four weeks from the date of receipt of certified copy of this order.
- (iv) The Writ Petition is disposed of.

(v) Rule is made absolute in above terms. No order as to costs.

(NANDESH S. DESHPANDE, J.)

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

Later on :

After the pronouncement of judgment, A.J. Thakare, the learned Counsel for the respondent No.2, seeks stay to the effect and operation of the impugned judgment for a period of eight weeks. This request is vehemently opposed by the learned Counsel for the petitioner, since according to her, the rights have been crystallized. However, looking at the fact of the commencement of summer vacations, we stay the effect and operation of this judgment for a period of four weeks from the date of this order. It is, however, made clear that the stay granted would automatically vacate after the period of four weeks as mentioned hereinabove.

(NANDESH S. DESHPANDE, J.)

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