



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

MISCELLANEOUS CIVIL APPLICATION NO. 934 OF 2025
IN
WRIT PETITION NO. 6407 OF 2023 (D)

Shashant S/o Giridhar Nandanwar,
Aged about 53 years, Occu.- Service,
R/o. 'Saya' Plot No.6, Yeole Layout,
Near S.T. Bus Stand, Umred,
Tah. Umred, Dist. Nagpur-441203.

.... **APPLICANT**

// VERSUS //

- 1) **The State of Maharashtra,**
through its Principal Secretary,
Tribal Development Department,
Mantralaya, Madam Cama Road,
Mumbai-400032.
- 2) **Scheduled Tribes Caste Certificate**
Scrutiny Committee, Gondia,
through its Secretary,
Collectorate, Gondia.
- 3) **Scheduled Tribe Caste Certificate**
Scrutiny Committee, Nagpur,
through its Member Secretary,
Office at 2nd Floor, Adiwasi
Vikas Bhawan, Amravati Road,
Giripeth, Nagpur PIN 440010.
- 4) **The Secretary,**
Jeevan Shikshan Mandal, Umred,
Tq. Umred, Dist. Nagpur-441203.

- 5) **Headmistress,**
Jeevan Vikas Vanita Vidyalaya, Umred,
Tq. Umred, Dist, Nagpur-441203.
- 6) **The Education Officer (Secondary),**
Zilla Parishad Nagpur,
Civil Lines Nagpur.

.... **RESPONDENTS**

Mr. A. S. Mardikar, Senior Counsel a/b. Mr. S. D. Borkute,
Counsel for the Applicant/Petitioner.
Mr. H. D. Futane, Assistant Government Pleader for
Respondent Nos.1 to 3 and 6.

CORAM : MRS. M. S. JAWALKAR AND
M. W. CHANDWANI, JJ.

DATE ON RESERVING THE JUDGMENT : 10.04.2026
DATE ON PRONOUNCING THE JUDGMENT : 28.04.2026

JUDGMENT : (Per – M. S. JAWALKAR, J.)

1. Heard learned Senior Counsel Mr. A. S. Mardikar for the Applicant/Petitioner and learned Assistant Government Pleader Mr. H. D. Futane for the Respondent Nos.1 to 3 and 6. Matter is taken up for final hearing at the stage of admission by consent and request of the parties.

2. The Applicant being aggrieved by the Judgment and Order dated 15.12.2025, passed by this Court in Writ Petition

No. 6407/2023, has filed the present Review Application seeking review of the Judgment and Order dated 15.12.2025 passed by this Court in Writ Petition No. 6407/2023 on the ground that the impugned judgment has failed to properly appreciate the factual matrix and has ignored the settled position of law, thereby suffering from errors apparent on the face of the record.

3. The learned Senior Counsel Mr. A. S. Mardikar for the Applicant submitted that the Applicant was appointed on 03.10.1997 as an 'Assistant Teacher' in Respondent No.5–School against a vacancy reserved for the Scheduled Tribe (ST) category, on the basis of a Caste Certificate issued by the Competent Authority showing he belongs to 'Halba' Scheduled Tribe. Thereafter, on 03.06.2003, the Applicant was promoted to the post of 'Supervisor' against an open category subject to the condition that he would submit a caste validity certificate within three months. Accordingly, on 15.04.2013, the Applicant's tribe claim was forwarded by his employer to the erstwhile Respondent No.3 – Caste Scrutiny Committee, Nagpur, for

verification as there was no separate Scrutiny Committee for Gondia and Bhandara District.

4. It is further submitted that while the verification of the caste claim was pending, the employer issued a Show Cause notice dated 29.09.2016, directing the Applicant to submit his caste validity certificate, failing which his service would be terminated with effect from 01.01.2017. The Applicant immediately approached the Scrutiny Committee on 15.10.2016 and requested early decision on his caste claim. Thereafter, he filed a Writ Petition No.7117/2016 before this Court seeking protection of his service and also sought expeditious decision of his caste claim. This Court vide order dated 23.01.2017, directed the erstwhile Caste Scrutiny Committee, Nagpur to decide the caste claim of the Applicant within one year and protected his service till then.

5. It is further submitted that the Vigilance Cell conducted its first inquiry on 01.09.2022 and submitted its report, to which the Applicant gave his reply on 04.01.2023. However, without valid reason, the Scrutiny Committee ordered

a second vigilance inquiry, followed by a third one on 19.06.2023. The Applicant submitted replies to both subsequent reports on 19.05.2023 and 10.07.2023, respectively.

6. In the present Review Application, the Applicant further reiterated that he has submitted various documentary evidence, including pre-independence documents, before the Respondent committee, in support of his claim. These documents include:

Sr. No.	Type of Document	Name on the document	Relation with the Applicant	Tribe	Date
4.	Sanitation Register	Kashiram Daaji	Grandfather	Halba	1946-1947
5.	Birth Extract	Kashiram Daaji	Grandfather	Halba	12.11.1942
6.	Extract of School admission	Kashiram Daaji	Grandfather	Halba	01.01.1908

7. Despite the Applicant's cooperation and repeated compliance, Respondent No.2 – Caste Scrutiny Committee, Gondia by order dated 19.07.2023, invalidated his tribe claim as 'Halba' Scheduled Tribe. Being aggrieved by the impugned order dated 19.07.2023 passed by the Respondent No.2-Scrutiny Committee, the Applicant filed the Writ Petition No.6407/2023.

This Court dismissed the Writ Petition No.6407/2023 filed by the present Applicant vide its order dated 15.12.2025.

8. The Learned Senior Counsel Shri A.S.Mardikar submitted that this Court failed to appreciate that the Applicant's forefathers originally belongs to village Sirsi, Taluka Umred, District Nagpur, thereafter migrated to village Nagbhid and then to village Sangadi, Taluka Arjuni (Morgaon), District Bhandara. The Applicant is presently residing at Umred but has never claimed Umred as his place of origin, for that purpose, reliance placed on the letter issued by the Chief Officer, Nagar Parishad, Umred.

9. The Learned Senior Counsel Shri A.S.Mardikar further submitted that birth certificate of father of the Applicant was issued by Panchayat Samiti, Nagbhid therefore, absence of corresponding entries in Nagar Parishad, Umred could not have been held against the Applicant. It is further submitted that this Court overlooked the crucial pre-independence Sanitation Register extract of 1947 issued by Nagar Parishad, Nagbhid, which corroborates the residence of the Applicant's father at

Nagbhid. The pre-independence documents of 1908 and 1942 remain undisputed and carry high probative value, despite this, the residence of the Applicant's forefathers at Sirsi and Nagbhid has been doubted. He further submitted that this Court has given undue importance to post-independence 'Koshti' related documents while ignoring three vital pre-independence 'Halba' documents.

10. The Learned Senior Counsel Shri A.S.Mardikar further submitted that this Court observed about J. V. Ferreira Committee 1985, wherein it is mentioned that Nandanwar surname is belonging to 'Koshti' caste but not 'Halba' Scheduled Tribe, however, vide a Government Resolution dated 02.12.1987 it is clarified that surname cannot be a decisive factor for determination of tribe claim. These crucial aspects have been ignored by this Court resulting in an error apparent on the face of the record and the same needs to be reviewed on these grounds.

11. *Per Contra*, the learned Assistant Government Pleader strongly opposed the application and orally submitted

that the Judgment passed by this Court is well reasoned and there is no interference warranted on it and prayed to reject the application for review.

12. Heard Learned Senior Counsel Mr. A. S. Mardikar for the Applicant and learned Assistant Government Pleader for Respondents at length. Perused the documents placed on record.

13. After hearing both the sides, it appears that the Caste Scrutiny Committee has observed in para 5(iv) that the letter forwarded to the Office of Nagar Parishad Umred in respect of document pertaining to year 1942, which is birth register extract of Giridhar Kashiram Nandanwar/Devikar, it was informed by the Nagar Parishad Umred that the entry in respect of Giridhar Kashiram Nandanwar is not found. It is the contention of the Applicant that the letter issued by the Committee is to wrong Nagar Parishad i.e. Umred, in fact, the Committee ought to have enquired about the entry of birth in 1942 to Nagar Parishad, Nagbhid. It is submitted by the Applicant that his forefathers originally belong to village Sirsi, Tq. Umred, District Nagpur, thereafter migrated to village Nagbhid and then to village

Sangadi, Tq. Arjuni (Morgaon), District Bhandara. Though, the Applicant is presently residing at Umred, but he has never claimed Umred as his place of origin. The birth certificate of father of the Applicant was issued by Panchayat Samiti, Nagbhid therefore, absence of corresponding entries in Nagar Parishad, Umred could not have been held against the Applicant.

14. The Sanitation Register extract of 1946-47, issued by Nagar Parishad Nagbhid shows original residence of Applicant's father at Nagbhid. In connection with these two contentions, we have gone in to the order passed by Scrutiny Committee as well as Judgment passed by this Court, it appears apparent error on the part of Scrutiny Committee consequently by this Court also in recording that document pertaining to 1942 is concerned, on enquiry with the Chief Officer, Nagar Parishad, Umred by a letter for searching the name of father of the Applicant/Petitioner in the extract of birth register, there is no entry of son Giridhar born to Kashiram Daji Halba has rightly pointed out by the learned Senior Counsel Mr. A. S. Mardikar for the Applicant. The enquiry to Nagar Parishad, Umred is on the face of it is to the wrong authority and letter ought to have been forwarded to

the Nagar Parishad, Nagbhid. The second contention about the Sanitation entry of 1947 is concerned, the remark against this document is that in first vigilance enquiry officer enquired about the record at Panchayat Samiti, Nagbhid, its gave reply that the document is not available. In the order of Scrutiny Committee, there is a scan copy of letter reproduced by the Committee at page No.41 of the order, from which, it appears that enquiry was made to the Nagar Parishad, Umred. In view thereof, we are of the considered opinion that there is apparent error on the face of record and it needs to be rectified by remanding the matter back to the Caste Scrutiny Committee to again verify the entry of Giridhar Kashiram Daji by sending letter to the Panchayat Samiti, Nagbhid. Moreover, we are also deem it appropriate to direct the Caste Scrutiny Committee to verify the Register of Sanitation which may be additional reason for remanding the Caste Scrutiny Committee to conduct enquiry afresh. Accordingly, we proceed to pass the following order :

- (i) The Review Application is allowed.
- (ii) The Judgment and order passed by this Court on 15.12.2025 in Writ Petition No. 6407/2023 is hereby quashed and set aside.

- (iii) The order passed by the Scheduled Tribe Certificate Scrutiny Committee, Gondia dated 19.07.2023 is also quashed and set aside.
- (iv) The matter is remanded back to the Scheduled Tribe Certificate Scrutiny Committee, Gondia to conduct a fresh euqniry particularly in respect of birth entry of 1942 and Sanitation record of 1946-47, without being influence by any order passed earlier.
- (v) The Scheduled Tribe Certificate Scrutiny Committee, Gondia shall decide the caste claim of the Applicant/Petitioner afresh within a period of three months from the date of remand by granting opportunity of hearing to the Applicant.
- (vi) The parties to appear before the Scheduled Tribe Certificate Scrutiny Committee, Gondia on **11.05.2026**.
- (vii) Interim order granted in this Review Application dated 24/12/2025 as per para 5 shall continue till disposal of caste claim of the petitioner.

15. The Civil application stands disposed of in the above terms. No order as to costs. Pending application(s), if any, stand(s) disposed of.

(M.W. CHANDWANI, J.)

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