



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1826 OF 2025

Mrunali D/o Manohar Karmenghe,
Aged about 19 years, Occ. Student
R/o Rajiv Gandhi Nagar, Wadala
Paiku, Chimur, Distt- Chandrapur

...PETITIONER

VERSUS

1. The Vice-Chairman / Member-
Secretary,
Scheduled Tribe Caste Certificate
Scrutiny Committee,
Chandrapur
2. The Principal,
Yeshwantrao Chavan College of
Engineering, Wanadongri, Hingna
Road, Nagpur
3. The Commissioner,
State Common Entrance
Test Cell, Maharashtra State,
Mumbai.

...RESPONDENTS

Ms Himani Kavi, Advocate for petitioner
Ms H.D. Dhande, AGP for respondent No.1/State
Shri N.R. Sengar, Advocate h/f Shri P.D. Meghe, Advocate for respondent No.2
Shri V.V. Joshi, Advocate h/f Shri N.A. Gaikwad, Advocate for respondent No.3

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

RESERVED ON : **12.01.2026**
PRONOUNCED ON : **17.01.2026**

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

Heard.

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

3. The petition takes exception to the order dated 06.03.2025, bearing Case No. सआ/अजप्रतस/चंद्र/I/603/34/2022 by the respondent No.1, Scrutiny Committee, Chandrapur, whereby the claim of the petitioner for validation of her caste certificate came to be rejected.

4. The facts as can be seen from the petition best be stated in a narrow compass as under :

The petitioner belongs to the “Mana” Scheduled Tribe, which is enlisted at Sr. No. 18 of the Scheduled Tribes Order, 1950. To that effect, a caste certificate dated 24.10.2021 was issued to the

petitioner by the Competent Authority constituted under Section 4 of the Maharashtra Scheduled Castes and Scheduled Tribes Act. The petitioner completed her 10th and 12th standards successfully and then appeared for MH-CET-2024 examination, and is pursuing her education in 1st Year B.Tech (Artificial Intelligence & Data Science). Since the petitioner belongs to the Scheduled Tribe, the College of the petitioner forwarded the same to the respondent No.1, Scrutiny Committee. Along with the said proposal for verification, the petitioner submitted various documents, which *inter alia* included caste certificate, admission register, school leaving certificate, as also, caste validity certificate of the petitioner's father.

5. The petitioner had to approach this Court by filing Writ Petition No. 5282/2024 to seek a direction to the Scrutiny Committee to decide her claim since the same was pending and there was a threat of cancellation of her admission. The said writ petition was disposed off on 05.09.2024, and the Committee was directed to decide the petitioner's caste claim within six months. In addition to this, her admission was protected till the caste claim is decided.

6. The Scrutiny Committee, thereafter, called for a Vigilance Enquiry. However, no separate vigilance enquiry was conducted in the case of the petitioner, and the Scrutiny Committee relied upon the Vigilance Enquiry conducted in the case of her real and cousin brothers, namely, Harsh and Shreyas. The petitioner, in response to the Vigilance Committee Report, submitted her say. After scrutinizing the evidence, the Scrutiny Committee passed the impugned order, invalidating the caste claim of the petitioner. It is this order which is challenged in the present petition on various grounds as mentioned therein.

7. We have heard Ms Himani Kavi, the learned Counsel for the petitioner, as also Ms H.D. Dhande, the learned Assistant Government Pleader for respondent No.1/State, Shri N.R. Sengar, the learned Counsel holding for Shri P.D. Meghe, the learned Counsel for respondent No.2, and Shri A.V. Joshi, the learned Counsel holding for Shri N.A. Gaikwad, the learned Counsel for respondent No.3.

8. Learned Counsel for the petitioner submits that the order of the Scrutiny Committee fails to take into consideration the oldest and relevant documents, including validity certificates submitted by the petitioner's father, real brother, and other blood relatives. She, therefore, submits that the order of the Scrutiny Committee can not withstand the scrutiny of law. It is her submission that the Scrutiny Committee arrived at a conclusion that the caste, customs, and traditions followed by the petitioner and her family do not resemble with that of a "Mana" Scheduled Tribe, but the documents submitted by the petitioner speak otherwise. She further submits that now it is a settled preposition of law that the affinity test cannot be a litmus test to determine the validity of the caste certificate. She further submits that the assessment done by the Scrutiny Committee and the conclusions reached thereto are only with a predetermined mind to reject the caste claim on one pretext or the other. It is therefore her submission that the impugned order is perverse, inasmuch as it fails to take into consideration the various documents including the oldest one.

9. Per contra, the learned Assistant Government Pleader, while vehemently opposing the contentions advanced by the learned

Counsel for the petitioner, submits that the Scrutiny Committee has rightly considered all the documents filed by the applicant/petitioner, as also the documents collected by the Vigilance Cell, during enquiry. By taking us through the order of the Scrutiny Committee, the learned Assistant Government Pleader submits that the most important pre-constitutional document is the school leaving certificate of the grandfather, namely Vitthal Goma Karmenghe, which speaks about the caste being “Mane” and not “Mana” as claimed by the petitioner. It is therefore her submission that the adverse entries found in the documents having great probative value has been rightly appreciated by the Scrutiny Committee, and therefore, the Scrutiny Committee was right in rejecting the claim of the petitioner.

10. We have considered and appreciated the contentions advanced by the learned Counsel for the respective parties. We have also gone through the original record of the Scrutiny Committee placed before us for perusal by the learned Assistant Government Pleader.

11. The main crux of the argument of the petitioner is the non-consideration of documents of Vitthal Goma Karmenghe, which dates back to the year 1948 and have not been considered by the Scrutiny Committee in its proper perspective. In the said backdrop, we have perused the reasoning of the Scrutiny Committee. The main reason for disbelieving the birth certificate of said 'Vithu' is that the original of the said document is not available in the office from where it was issued. Furthermore, it is stated that there is no date of issuance of the said certificate. However, the next document, which is a school leaving certificate issued by the Zilla Parishad, Chandrapur, of the same person which is dated 17.12.1948, has not been considered by the Scrutiny Committee correctly. The said certificate has been placed by the applicant on record, and even though the birth certificate is discarded, the school leaving certificate is having all the particulars as expected of an old document. The said certificate, being of the pre-independence period, has high probative value. The said certificate depicts the caste "Mana".

12. Furthermore, the effect of a near relative, namely the father of the petitioner, having obtained a validity certificate on

29.09.2007, has also not been correctly appreciated by the Scrutiny Committee while passing the impugned order. The only reason which has weighed with the Scrutiny Committee to discard the said validity certificates is that the vigilance enquiry was not conducted while granting the said certificate. Be that as it may, as settled by the Hon'ble Supreme Court in the judgment of *Priya Pramod Gajbe Vs. State of Maharashtra, (2023) 9 SCR 1261*, that "Mani, Bhormani, Mane, 'Mani Kunbi' has to be read as "Mana" Scheduled Tribe. It can also be seen from the said judgment that the Honble Apex Court has observed that "admittedly, there is no caste named "Mani". It is thus possible that there could be some mistake in writing the caste. It is to be noted that the original record is written in Marathi and not in English, as such, such an error is quite possible." Thus, the dictum of the said judgment would be squarely applicable to the case in hand. The Scrutiny Committee, in our view, has gone into unnecessary details which could not have been gone into in view of the overwhelming evidence produced by the applicant on record. Such evidence consistently shows the "Mana" caste and the documents relate way back to 1990 onwards. It is thus clear that the order of the Scrutiny Committee cannot be

sustained in law. The petition, therefore, needs to be allowed and is accordingly allowed.

ORDER

- i) The Writ Petition is allowed.
- ii) The impugned order dated 06.03.2025, bearing Case No. सआ/अजप्रतस/चंद्र/I/603/34/2022, by the respondent No.1, Scheduled Tribe Caste Certificate Scrutiny Committee, Chandrapur, is hereby quashed and set aside.
- iii) It is hereby declared that the petitioner belongs to the “Mana” Scheduled Tribe.
- iv) The Scheduled Tribe Caste Certificate Scrutiny Committee, Chandrapur, respondent No.1, is directed to issue a validity certificate within four weeks from the date of this order.

13. Rule is made absolute in above terms.

14. The writ petition is disposed of.

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

Jayashree..