



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4289 OF 2025

1. Avinash Shankar Wagh
Aged: 28 Years, Occ. Student
R/o Mendhegaon, Post Bhuyar,
Tq. Paoni, Dist. Bhandara
2. Ms. Trushna Moreshwar Wagh
Aged: 19 Years, Occ. Student
R/o Mendhegaon, Post Bhuyar,
Tq. Paoni, Dist. Bhandara
3. Pavan Kesharao Wagh,
Aged 47 Years, Occ. Service as
Additional Executive Engineer,
MAHAGENCO,
R/o Bokara, Dist. Nagpur
4. Ms. Poorva Ishwar Wagh,
Aged 33 Years,
R/o Mendhegaon, Post Bhuyar,
Tq. Paoni, Dist. Bhandara

...PETITIONERS

VERSUS

1. The Scheduled Tribe Caste
Certificate Scrutiny Committee,
through its member secretary,
Collector's Office 2nd floor,
Desk No. 214, Gondia
2. Maharashtra State Power
Generation Company Limited,
through its Chairman,
Bandra (East), Mumbai-400051

...RESPONDENTS

Shri R. S. Parsodkar, Advocate for petitioner
Shri S.V. Narale, AGP for respondent No. 1/State
Shri A.D. Mohgaonkar for respondent No. 2

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

RESERVED ON : **20.04.2026**
PRONOUNCED ON: **08.05.2026**

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

Heard.

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

3. The petitioners seek to quash and set aside the impugned order dated 26.06.2025 passed by Respondent No.1, i.e., the Scheduled Tribe Caste Certificate Scrutiny Committee, Gondia (hereinafter referred to as “the Scrutiny Committee”), whereby the caste claims of petitioner Nos.1 and 2 belonging to “Mana” Scheduled Tribe, recognized at Serial No.18 of the Constitution (Scheduled Tribes) Order, 1950, have been invalidated and the caste validity certificates issued in favour of petitioner Nos.3 and 4 have been cancelled.

4. The facts as emerging from the petition are as under:

The petitioners are residents of District Bhandara and claim to belong to the “Mana” Scheduled Tribe, which is recognized at Serial No.18 of the Constitution (Scheduled Tribes) Order, 1950. Petitioner Nos.1 and 2 were issued caste certificates by the Sub-Divisional Officer, Bhandara on 29.11.2022 and 16.11.2015 respectively. Their proposals for issuance of caste validity certificates were forwarded to the Scrutiny Committee; however, by the impugned order dated 26.06.2025, their caste claims came to be invalidated. Petitioner Nos.3 and 4 were earlier issued caste validity certificates by the Scrutiny Committee, Nagpur Division, on 30.05.2006 and 22.02.2010 respectively, but the same were cancelled and confiscated by the Scrutiny Committee vide the impugned order dated 26.06.2025.

Aggrieved by the invalidation of the caste claims and cancellation of the caste validity certificates, the petitioners have filed the present instant writ petition under Article 226 of the Constitution of India.

5. The learned counsel for the petitioners submits that the status of “Mana” as an independent Scheduled Tribe has already been conclusively settled by judicial pronouncements of this court Court in *Mana Adim Jamat Mandal vs. State of Maharashtra*, reported in (2006) 4 SCC 98, which was affirmed by the Hon’ble Supreme Court in Civil Appeal No.5270 of 2004 decided on 08.03.2006. The Hon’ble Apex Court specifically held that “Mana” is a Scheduled Tribe throughout the State of Maharashtra and cannot be treated merely as a sub-tribe of “Gond”. On the basis of the said judgment of the Hon’ble Apex Court, petitioner Nos.3 and 4 were issued caste validity certificates.

6. Furthermore, the learned counsel for the petitioners submits that several members of their paternal family have already been granted caste validity certificates recognizing them as belonging to the “Mana” Scheduled Tribe. Further, Petitioner No.3, namely Pavan Wagh, was granted a validity certificate on 30.05.2006, while petitioner No.4, namely Poorva Ishwar Wagh, was granted a validity certificate on 22.02.2010. It is contended that these validity certificates were issued after due scrutiny and in light of the law laid down by the Hon’ble Supreme Court in *Mana Adim Jamat* (supra).

7. The Learned Counsel further asserts that other close blood relatives, namely Pratik Prakash Wagh and Shruti Prakash Wagh, were also granted validity certificates pursuant to the judgment dated 30.04.2019 passed by this Court in Writ Petition No.6821 of 2018. Another close relative, namely Pranay Prabhakar Wagh, has also been granted a caste validity certificate certifying him as belonging to the “Mana” Scheduled Tribe.

8. The Learned Counsel state that the caste claims of petitioner Nos.1 and 2, namely Avinash Shankar Wagh and Trushna Shankar Wagh, were referred to the Scrutiny Committee for verification. In support of their claims, the petitioners submitted a family tree showing that Bangu had a son Yadav @ Yadu, who in turn had three sons, namely Paiku, Bhadu and Madho. According to the learned counsel for the petitioners, petitioner No.1 belongs to the branch of Madho, while petitioner No.2 belongs to the branch of Paiku. The genealogy was relied upon to establish blood relations with persons who have already obtained validity certificates. It is contended that despite the existence of validity certificates in the same bloodline, the Scrutiny Committee proceeded to invalidate and cancel the certificates.

9. The Learned Counsel further rely upon several pre-independence revenue and school records showing the caste entry of their ancestors as “Mana”. Particular reliance is placed upon the Bandobast Misal P-1 entry of the year 1916-17 maintained by the Taluka Inspector of Land Records, Paoni, wherein Yadu s/o Bangu is recorded as “Mana”. It is contended that the said entry was verified and certified by the Deputy Superintendent of Land Records on 16.07.2018. Reliance is also placed on the birth extracts and school records from the years 1928, 1938 and 1949, wherein ancestors of the petitioners such as Paiku, Madho, Bhadu and Keshao are consistently recorded as “Mana”.

10. Furthermore, it is stated that all the documents produced by them were referred for vigilance inquiry by the Scrutiny Committee. The Police Vigilance Cell conducted inquiries and submitted reports dated 04.12.2023 and 05.02.2024 in respect of petitioner Nos.1 and 2 respectively. According to the Learned Counsel for the petitioners, the vigilance reports verified and confirmed the genuineness of the old entries showing the caste of their ancestors as “Mana”. The Vigilance Cell also reportedly confirmed the genuineness of the Bandobast Misal P-1 entry of the year 1916-17, as well as the birth and school records relied upon by

the petitioners. The learned counsel for the petitioners contends that the Scrutiny Committee exceeded its jurisdiction and deliberately interpreted the entry as “Mani”. It is the grievance of the petitioners that despite favourable vigilance reports and the existence of multiple validity certificates issued to blood relatives, the Committee failed to grant validity certificates to petitioner Nos.1 and 2.

11. Furthermore, it is contended that the Scrutiny Committee thereafter issued show-cause notices to the petitioner Nos. 3 and 4 calling upon them to explain the alleged contra entries noticed by the Scrutiny Committee. However, the Committee sought to reinterpret the caste entries recorded as “Mana” by treating them as “Mani”. The Learned Counsel for the petitioners submits that replies were filed by petitioner Nos.3 and 4 denying the allegations and contending that the entries clearly recorded the caste as “Mana”. It is their case that the decision cancelling the caste validity certificates of petitioner Nos.3 and 4 was arbitrary, contrary to the record and beyond the jurisdiction vested in the Committee.

12. Per contra, the Learned Assistant Government Pleader, for the respondent No. 1, the Scrutiny Committee, submits that the police vigilance cell reported contra entries to the caste claim of the

petitioners. It is stated that when the Scrutiny Committee perused the records, it reflected a difference between date of births mentioned in birth record and school record in case of Keshav Paiku Mana. In the original record presented by Principal of the School, the name of Keshav Paiku Mana Mendhegaon is mentioned with the Black ink pen but between the word 'Paiku' and 'Mana' the word 'Wagh' is written with Blue ink pen with some other handwriting on upper side indicating with a small arrow and left hand thumb impression of Paiku Yadav Kunbi is mentioned. Also, in attendance register at Dakhal Kharij Register No.279, student name Keshav Paiku Mendhegaon and in the column of caste 'Kunbi Mana' is mentioned. A line is crossed across the word Kunbi is clearly seen and the word 'Kunbi' can be clearly seen. It is contended by the Learned Assistant Government Pleader that the line across the word Kunbi may be crossed willfully in order to suppress original caste Kunbi and then Mana is written to get benefits of Mana, Scheduled Tribe. The entry of caste recorded as Kunbi proves that the applicants do not belong to 'Mana', Scheduled Tribe.

13. Furthermore, It is contended that the school records of the close blood relatives of the petitioners, including the father of the petitioner No. .1 and cousin uncle of petitioner no. 2 pertaining to

the year 1964 and 1968 found during police vigilance cell enquiry recorded caste as Mani, which is contrary to the claim of the applicants. When the caste records of blood relatives of both the petitioners and the most evidently caste of father of the petitioner no.1 who is cousin uncle of petitioner no. 2 is recorded as Mani, the caste of the petitioners cannot be 'Mana'.

14. In furtherance, the school records belonging to the cousin uncle of the both the petitioners, namely of Sitaram Shivraj Wagh, recorded caste as Hindu and in record of Sambhu Adku Wagh, close relative of the petitioners, caste is recorded as Hindu Dhivar. It is the contention that the above adverse entries found during police vigilance cell enquiry are willfully and with mala-fide intention suppressed by the petitioners and their family.

15. It is contended that the petitioners suppressed the Invalidation case of cousin of both the petitioners, namely Tejaswini Vilasras Wagh, which was invalidated by the then Committee on 14.06.2022. When the Committee perused the case file, the adverse entries found in the instant cases were also found at that time as 'Kunbi' pertaining to year 1949 and 'Mani' entries to year 1964 & 1968.

16. Furthermore, it is contended that in the case of the petitioner Nos. 3 and 4, no vigilance cell enquiry was conducted and the then Scrutiny Committee issued the Caste Validity Certificates without a valid and legal police Vigilance Cell enquiry. Thus, the Caste Validity certificates are reviewed and on basis of adverse entries, the certificates are cancelled and confiscated.

17. Lastly, it is submitted by the Learned Assistant Government Pleader that this Petition carries no substance and is liable to be rejected.

18. In the backdrop of these events, we have perused the material on record with the able guidance of the learned counsel for the parties. For convenience and brevity, the pre-constitutional documents submitted by the petitioners and the adverse entries found by the police vigilance cell, as also the family tree showcasing the petitioners lineage is reproduced below.

Pre-constitutional documents submitted by the Petitioner Nos. 1 and 2:

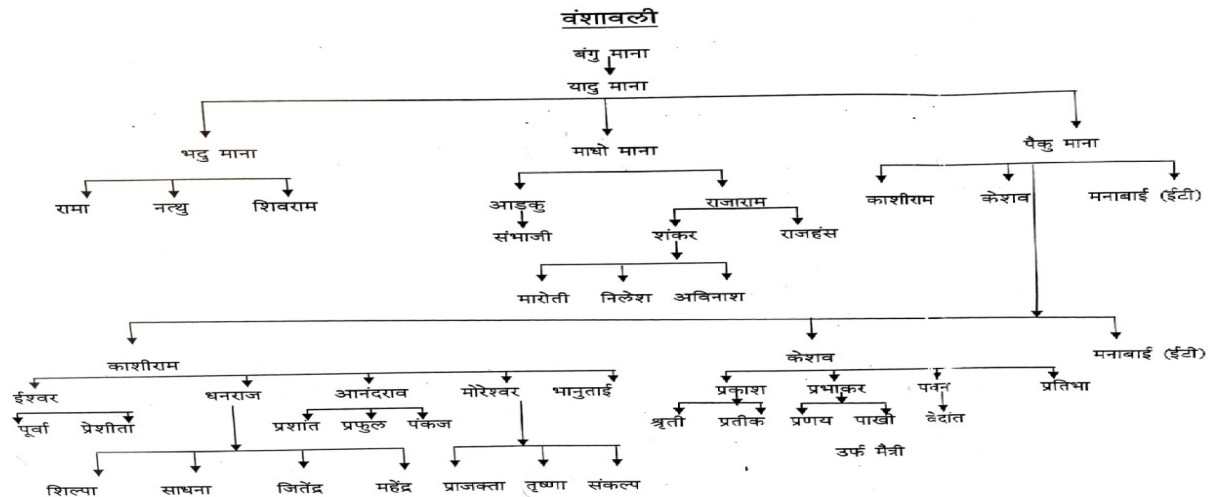
Sr. No.	Name	Relation with the Petitioner Nos. 1 and 2	Type of document	Year	Mentioned Caste
1	Yadu Wald Bagu Mana	Great Great Grandfather	Bandobast misal P-1	1916-1917	Mana
2	Adkya- male child born to Madhya Mana	Cousin Great Grandfather	Birth record	1928	Mana

3	Keshavrao- male child born to Paiku Mana	Cousin Great Grandfather	Birth record	1941	Mana
4	Madhya Mana	Cousin Grandfather	Birth Record	1928	Mana

Adverse entries found by the police vigilance cell by the Petitioner Nos. 1 and 2:

Sr. No.	Name	Relation with the Petitioner Nos. 1 and 2	Type of document	Year	Mentioned Caste
1	Sitaram Shivram	Cousin Uncle	Dakhal Kharij	1963	Hindu
2	Sambha Aadku Wagh	Cousin Uncle	Dakhal Kharij	1963	Hindu
3	Shankar Rajamram Wagh	Father	Dakhal Kharij	1964	Mani
4	Dhanraj Kashiram Wagh	Uncle	Dakhal Kharij	1968	Mani
5	Ku. Kalavati Rajaram Wagh	Paternal aunt	Dakhal Kharij	1968	Mani

Family Tree as submitted:



19. As has been rightly pointed out by the learned Counsel for the petitioners that the oldest document with respect to all the petitioners is a Bandobast Misal P1 of Yadu Wald Bang. The said document is of the year 1916-1917. Furthermore, there are other documents also showing the caste 'Mana'. The reason for discarding the said Bandobast Misal as is reflected in the order of the Scrutiny Committee is that the 7/12 record shows different place of residence and thus cannot be relied upon as conclusive proof for caste verification. This reason, in our considered opinion, is fallacious as there is no relation as to why the place of the residence cannot be different to the Bandobast Misal. The document shows the name of the great-great-grandfather of the petitioners and the caste is recorded as 'Mana', which according to us, carries highest probative value being the oldest pre-constitutional document.

20. Furthermore, The birth extract of one female child named 'Ithi' born to Paiku Mana in the year 1938, showing caste as 'Mana', is also discarded by the Scrutiny Committee, stating that the record does not belong to genealogy of the petitioners. However, as can be seen from the family tree submitted by the petitioners and admitted by the Scrutiny Committee, there is mention of one female child

named 'Ithi' born to Paiku Mana in the year 1938. Thus, the reason given for disapproving of such document is unsustainable.

21. Furthermore, The scrutiny committee, while discarding the entry of the year of 1949 showcasing caste as 'Kunbi Mana', stated that there is a change in handwriting and colour of the pen from black to blue ink, as also, first 'Kunbi' was written and then it was crossed and 'Mana' was inserted. On such basis, the said document was discarded. However, while discarding the same the Scrutiny Committee did not take any handwriting expert opinion. The reason given holds no ground and is fallacious as per our opinion.

22. Moreover, the reliance placed on the invalidation of the caste validity certificate of the cousin sister of the Petitioners, namely 'Tejaswini Wagh' is erroneous as the said certificate was invalidated on the basis of a "Kunbi" entry found pertaining to the year 1949. But in the present matter, the petitioners have submitted documents from 1916-17, showcasing caste as 'Mana', which is admittedly the oldest pre-constitutional document. Thus, placing reliance on the 1949 document and thereby rejecting the petitioners' caste validity claim is erroneous.

23. Furthermore, the entries found by the vigilance cell enquiry, wherein caste of petitioner's blood relatives is recorded as 'Dhivar', 'Hindu Dhivar' and 'Mani' pertaining to the year 1963, 1964 and 1968 holds less probative value compared to the documents of the ancestors of the petitioners shows caste as 'Mana', which belongs to the pre-constitutional era. As also, the record showcasing caste as 'Mani' is to be considered as 'Mana' as there is no caste enlisted in the order of 1950 as 'Mani'. The same fact has been reiterated by the Hon'ble Apex Court in the matter of ***Priya Pramod Gajbe vs. State of Maharashtra and others***, reported in ***2023 SCC OnLine SC 909***, and more particularly in para 10 which is reproduced as under,

“A perusal of the report of the Vigilance committee itself would reveal that the appellant's great grandfather's birth record shows the caste as 'Man'. 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 the original record is written in Marathi and not in English. As such, such an error is quite possible.”

24. Furthermore, the Scrutiny Committee exceeded its jurisdiction and cancelled the caste validity certificates issued in

favour of Petitioner Nos. 3 and 4, which is unsustainable, as this power of review conferred on the Scrutiny Committee is limited only to cases of fraud and misleading. However, the reason accorded by the Scrutiny Committee is that no police vigilance cell enquiry was carried out by the then scrutiny committee, which, in our opinion, does not give a basis to invalidate already issued caste validity certificates.

25. Further reason for rejecting the claims for validity certificate is the applicability of the affinity test and rejection based on it. In a celebrated judgment of the *Maharashtra Adiwasi Thakur Jamat Sanrakshan Samiti vs. State of Maharashtra and others, reported in 2023 (2) Mh. L.J. 785*, it is held that if the documents of the pre-constitutional period showing the caste of the applicant and their ancestors are produced and in case the documents are authentic and genuine, the said documents showing that such candidate belonging to a particular tribal community cannot be discarded, as during pre independence era no reservation was provided to the Scheduled Castes, Scheduled Tribes category. If the factual aspect in the present matter is considered on the touchstone of the above dictum, we find that there were oldest documents relating to 1916, 1928 onwards. The reasons for discarding the said documents apart

from they being unsustainable in law cannot be said to be in consonance with various judgments of the Hon'ble Apex Court and this Court. It is a settled principle of law that the pre constitutional documents carry a greater probative value and therefore in our view the orders of the Scrutiny Committee cannot be said to be correct rendering them perverse.

26. We are therefore of the considered opinion that the impugned order is unsustainable in law. In that view of the matter, we pass the following order:

ORDER

- i) The writ petition is allowed.
- ii) The impugned order dated 26.06.2025, passed by Respondent No.1, i.e., the Scheduled Tribe Caste Certificate Scrutiny Committee, Gondia, in case no. JC/TCSC/GONDIA/I/463/35/23, JC/TCSC/GONDIA/I/515/35/23 is hereby quashed and set aside.
- iii) It is directed to the Respondent No.1, i.e., the Scheduled Tribe Caste Certificate Scrutiny Committee, Gondia, to issue validity certificates of 'Mana' Scheduled Tribe in favour of the petitioner Nos. 1 and 2 and to restore the validity certificates issued in respect

of petitioner Nos. 3 and 4 within four weeks from the date of this order.

27. Rule is made absolute in above mentioned terms. No order as to cost.

(NANDESH S. DESHPANDE, J.)

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

Jayashree..