



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

WRIT PETITION NO. 5792 OF 2025

PETITIONER :

Amey s/o Dilip Sonkusare, aged about 27 years,
Occ. Student, Resident of Arcadia, Plot No.179,
First Floor, Near Paranjpe School, Bajaj Nagar,
Nagpur.

-Versus-

RESPONDENTS :

1. State of Maharashtra, through its Secretary,
Ministry of Social Justice, Mantralaya,
Mumbai-400032.
2. Scheduled Tribe Caste Certificate Scrutiny
Committee, Adivasi Vikas Bhavan, Giripeth,
Nagpur, through its Deputy Director Member-
Secretary.
3. Maharashtra Institute of Medical Education
and Research (MMER) Medical College,
Talegaon Dabhade, Taluka Mawal, District
Pune, through its Dean.
4. Maharashtra University of Health Sciences,
Nashik, Dindori Road, Mahsrool, Nashik,
through its Registrar.
5. Maharashtra Medical Council, Mumbai,
189A, Anand Complex, 1st Floor, Sane
Guruji Marg, Arther Road Naka,
Chinchpokli (West), Mumbai-400011,
through its Registrar.

Mr. Anil Mardikar, Senior Advocate a/b Mr. N.C. Phadnis,
Advocate for the petitioner.

Mr. A.S.Fulzele, Addl.GP for the respondents-State.

Mr.Vishwa Gadbaile, Advocate for the respondent No.3.

Mr.Abhijit Deshpande, Advocate for the respondent No.4.

Mr.V.PPanpalia, Advocate for the respondent No.5.

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

DATE : 17TH FEBRUARY, 2026

J U D G M E N T (Per : Smt. M. S. Jawalkar, J.)

Heard.

2. **Rule.** Rule is made returnable forthwith. Heard finally with the consent of the learned Counsel for the parties.

3. By this petition, the petitioner is challenging the order dated 25.07.2025, passed by the respondent No.2 - Caste Scrutiny Committee, Nagpur thereby invalidating the caste claim of the petitioner belonging to "Halba" Scheduled Tribe.

4. It is submitted by the petitioner that after passing 12th examination, he appeared for NEET Examination in June-2015, qualified the same and took admission in the First Year MBBS Course upon submitting an undertaking as per rules and was a student of the respondent No.3-College and the respondent No.4 is the concerned University.

5. The petitioner thereafter submitted an online proposal for caste verification, however, due to its pendency, he was not enrolled as a regular student and his First Year MBBS result declared on

12.08.2017 was withheld. Aggrieved thereby, the petitioner approached this Court seeking directions for verification of his caste claim and declaration of his MBBS result. This Court directed the respondent No.2-Scrutiny Committee to decide his caste claim within one year and protected his admission, subject to payment of arrears and regular fees as are applicable to the Open Category in the event of invalidation of his caste claim.

6. The petitioner submitted that he had complied with the said order and paid all requisite fees as directed. Thereafter, the Scrutiny Committee obtained Vigilance Report dated 22.06.2018 and without granting an adequate opportunity of hearing to the petitioner, invalidated his caste claim by order dated 29.06.2018. Pursuant to the said order, the petitioner filed Writ Petition No.3937/2018, wherein this Court granted interim protection to his ongoing education and remanded the matter to the respondent No.2-Scrutiny Committee and directed the Committee to reconsider the caste claim of the petitioner, after permitting him an opportunity to place his reply on record within a stipulated period. In support of his claim, the petitioner produced old documentary evidence, including the caste validity certificate granted to his mother, pursuant to the order dated 09.09.1985, passed in Writ Petition No.10/1985 and also relied upon Rule 2(f) of the defining “Relative.”

7. It is further submitted that the petitioner was born to the parents belonging to 'Halba' Scheduled Tribe community and their marriage was solemnized within the same tribe. Any distinction drawn between the parental lineage for determining social status is arbitrary and is in violation of Article 14 of the Constitution of India. In support of his challenge to Rule 2(f), the petitioner has relied upon the judgment of the Hon'ble Apex Court in **Rameshbhai Dabhai Naika v. State of Gujarat, 2013 (3) SCC 400**, wherein it was held that a candidate can claim mother's social status, particularly when the mother belongs to the same tribe and the child has been brought up in that social environment. Further, Rule 12(5) of the Rules of 2003 provides for examination of the "parents or guardians" of the applicant, and the expression "parents" includes both mother and father. Therefore, any restriction confining verification to the paternal side alone is discriminatory.

8. The pre-constitutional document produced by the petitioner is enlisted in the table below-

Sr. No.	Type of Document	Name on the document	Relation with the petitioner	Tribe	Date
1.	School record	Baburao Sonkusare	Grandfather	Halba	05.07.1948

9. The learned counsel for the petitioner in support of his contentions relied upon the following authorities :

- i) **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti v. State of Maharashtra and others, 2023 (2) Mh.L.J. 785.**
- ii) **Yogesh Madhav Makalwad v. State of Maharashtra and others, 2025 SCC OnLine SC 1679.**
- iii) **Writ Petition No.4237/2022 (*Dnyaneshwar s/o Shankarrao Dongare v. The Vice-Chairman/Member Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and others*) and one connected matter.**
- iv) **Priya Pravin Parate v. Scheduled Tribes Caste Certificates Security Committee, Nagpur & Ors., 2013(1) Mh.L.J. 180.**
- v) **Rameshbhai Dabhai Naika v. State of Gujarat, 2013 (3) SCC 400.**

10. As against this, the learned counsel for the respondent No.3 submitted that as per the process applicable, every student is mandated to submit all requisite documents at the time of admission in order to claim admission in reserved category. The petitioner, however, did not submit the caste validity certificate, although his admission being secured the seat reserved for Scheduled Tribe, resultantly the respondent No.4 withheld result of the examination.

11. The respondent No.3 also pointed out that the petitioner has annexed his internship certificate and the petitioner along with the internship certificate has already been supplied with other documents such as the passing certificate, a detailed statement of

marks i.e. original Mark Sheets, Degree Certificate, Provisional Degree Certificate and all other relevant documents pertaining to the petitioner.

12. The respondent No.4 in Civil Application (W) No.3063 of 2025 filed by it, prayed for the modification/recall of the interim order passed by this Court dated 10.10.2025 to the extent it grants degree certificate to the petitioner, and opposed the grant of degree certificate to the petitioner in toto, as the admission of the petitioner was secured against the seat reserved for Scheduled Tribe and the tribe claim of the petitioner came to be invalidated by the order dated 25.07.2025, passed by the respondent No.2-Scrutiny Committee. The learned counsel for the respondents sought dismissal of the petition.

13. Heard the submissions of the learned Senior Counsel for the petitioner and the learned counsel for the respondents. Perused the record and proceedings with the assistance of the learned Additional Government Pleader and considered the citations relied on by the learned Counsel for the respective parties.

14. After hearing and considering the documents on record, the only reason appears to be for discarding the claim of the petitioner is the entry in respect of the document dated 05.07.1948, Extract of Admit Cancel Register (page-208) pertaining to Baburao Tukaram

Sonkusare. The same extract is reflecting in the Transfer Certificate produced by the petitioner, wherein the caste is shown as “Halba”. The said document is issued in the year 1954, however, wherein it is shown the date of admission in the New Ideal High School, Umred is 05.07.1948 and date of school leaving is 31.03.1953. The petitioner also shown us the original copy of the said document.

15. It is a matter of record that initially the petitioner filed a Writ Petition No.3937/2018 as there was no reasonable opportunity of hearing was granted to the petitioner. The matter was remitted back to the Caste Scrutiny Committee to decide afresh. After remand, the second vigilance was directed by the Caste Scrutiny Committee though there was a post Vigilance Cell Report dated 22.06.2018, without recording any reason and satisfaction for directing said vigilance to be conducted, the Scrutiny Committee sought second vigilance. The report of second vigilance enquiry is under the caption of “Re-enquiry Report”. In the said report, remark against the document dated 05.07.1948 pertaining to Baburao Sonkusare is written as “after verification it appears that there is entry of “Koshti” and “Halba”, which are written in a different ink”.

16. The Vigilance Cell procured the document i.e. Extract of Admit Cancel Register from the Headmistress of New Ideal High School, Umred, wherein against Sr. No. 606 (which is also reflecting

in school leaving certificate) there is a remark below the name, the document is torn and the name of village is does not appear and also below the caste 'Koshti' and 'Halba', the remark is that "date could not be seen". The Caste Scrutiny Committee, on the basis of this document, without giving any reason, declared that the school leaving certificate is a bogus document. In fact, the Caste Scrutiny Committee reproduced the said document, which was acquired during the vigilance enquiry in case of petitioner's paternal uncle Rajendra Sonkusare. The scan document is on page 71 of the petition, which is seen at page 15 of the impugned order. There is a date below the entry of 'Halba' as 30.07.1954. Even on the said document, the Caste Scrutiny Committee post the remark as Koshti (is real) and Halba (is insertion). The Caste Scrutiny Committee ought to have compared this document with the school leaving certificate produced by the petitioner, which is issued on 30.07.1954 i.e. subsequent to insertion if any. At any cost, the petitioner was not having any access to manipulate anything in the record. On page 71, the scan copy is reproduced by the Caste Scrutiny Committee itself. In the said document, last column is not appearing, but as suggested by the Headmistress in second vigilance that "the date could not be seen", it is there at page 71. The extract given by the Headmistress also shows that there is some remark given in remark column, however, it is not legible. In the document acquired in the matter of Rajendra

Sonkusare, there is also some remark, however, the complete document is not scanned. The Caste Scrutiny Committee before labelling school leaving certificate produced by the petitioner issued in the year 1954 as bogus, no any reason was given for declaring as bogus. The entry may be corrected at the instance of Authorities.

17. The learned Senior Counsel Shri. Anil Mardikar for the petitioner submitted that the parents of the petitioner are belonging to same tribe as 'Halba' Scheduled Tribe and his mother got a caste validity certificate pursuant to the order dated 09.09.1985 passed in Writ Petition No.10/1985. The learned Senior Counsel Shri. Anil Mardikar for the petitioner relied on **Rameshbhai Dabhai Naika** (supra), wherein it is held that a candidate can claim mother's social status, particularly when the mother belongs to the same tribe and child has been brought up in that social environment. It is pertinent to note that in the disputed document procured by the vigilance, the occupation is written as labour.

18. The learned Senior Counsel Shri. Anil Mardikar for the petitioner relied on **Priya Pravin Parate** (supra), wherein in para 10 and 11 held as under :

“10. In so far as the reliance on some of the entries pertaining to petitioners relatives from paternal side showing caste to be 'Koshti' on which Mr. Deshpande,

learned Counsel relies, are concerned, perusal of the said document would reveal that though the caste of the said person is written as Koshti, the profession is also shown as weaving. As can be seen from the Gazetteer of Amravati District, that Halbi's in erstwhile Ellichpur and Anjangaon Surji in Daryapur Taluq in Amravati District were also engaged in the profession of weaving. It is common knowledge that persons engaged in the profession of weaving were called as "Koshti". A possibility cannot be ruled out that due to this, said entries might have recorded. It is also relevant to refer to some portion from the authority of R.V. Russell on Tribes and Casts of the Central Provinces of India, published in 1916, wherein while dealing with the Halba Tribe, it has been stated that "Some of these soldiers may have migrated west and taken service under the Gond Kings of Chanda, and their descendants may now be represented by the Bhandara Zamindars, who, however, if this theory be correct, have entirely forgotten their origin. Others took up weaving and have become amalgamated with the Koshti caste in Bhandara and Berar."

From the aforesaid authority, it would reveal that persons belonging to Halba Tribe had migrated to west and taken service under the Gond Kings of Chanda. It can also be seen that some of them had taken to weaving and had amalgamated with the Koshti caste in Bhandara and Berar. Merely because some stray entries as "Koshti" are recorded in respect of caste of some of the relative of petitioners from their paternal side; the voluminous documentary evidence of pre-Constitution era which clearly certify the petitioners great-grand father and his brothers to be Halbi, could not have been lightly brushed aside by the Scrutiny Committee. As discussed herein above, the Hon'ble Apex Court in case of Anand (supra), found that the pre-Independence documents have a

greater probative value and they should be given due consideration while considering the claim of a tribal.

11. As already discussed herein above, merely because it was found that the petitioners forefathers were involved in the profession of weaving, could not have been a ground to reject their tribal claim, particularly in view of the observations contained in the Amravati District Gazetteer, so also in the authority of R.V. Russell, cited above.”

19. The learned Senior Counsel Shri. Anil Mardikar for the petitioner also placed reliance on **Yogesh Madhav Makalwad** (supra), wherein the reliance is placed on Judgment in **Anand vs. Committee for Scrutiny & Verification of Tribe Claims, (2012) 1 SCC 113**, wherein it is held as under :

“(i) While dealing with documentary evidence, greater reliance may be placed on pre-Independence documents because they furnish a higher degree of probative value to the declaration of status of a caste, as compared to post-Independence documents. In case the applicant is the first generation ever to attend school, the availability of any documentary evidence becomes difficult, but that ipso facto does not call for the rejection of his claim. In fact, the mere fact that he is the first generation ever to attend school, some benefit of doubt in favour of the applicant may be given. Needless to add that in the event of a doubt on the credibility of a document, its veracity has to be tested on the basis of oral evidence, for which an opportunity has to be afforded to the applicant;

(ii) While applying the affinity test, which focuses on the ethnological connections with the Scheduled Tribe,

a cautious approach has to be adopted. A few decades ago, when the tribes were somewhat immune to the cultural development happening around them, the affinity test could serve as a determinative factor. However, with the migrations, modernisation and contact with other communities, these communities tend to develop and adopt new traits which may not essentially match with the traditional characteristics of the tribe. Hence, the affinity test may not be regarded as a litmus test for establishing the link of the applicant with a Scheduled Tribe. Nevertheless, the claim by an applicant that he is a part of a Scheduled Tribe and is entitled to the benefit extended to that tribe, cannot per se be disregarded on the ground that his present traits do not match his tribe's peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies, etc. Thus, the affinity test may be used to corroborate the documentary evidence and should not be the sole criteria to reject a claim."

20. The learned Senior Counsel Shri. Anil Mardikar for the petitioner also placed reliance on **Dnyaneshwar s/o Shankarrao Dongare** (supra) in support of his contention that before directing enquiry or re-enquiry, reasons and satisfaction for such directions needs to be recorded in view of Rule 12(2) of the Scheduled Tribe (Regulation of Issuance of Verification of Certificate) Rules, 2003.

21. The learned Senior Counsel for the petitioner also placed reliance on **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti** (supra), wherein in para 19 and 20 held as under :

“19. Sub-rule (2) of Rule 12 clearly provides that only if the Scrutiny Committee is not satisfied with the documentary evidence produced by the applicant, it shall forward the application to the Vigilance Cell for conducting the school, home and other enquiry. Therefore, in every case, as a matter of routine, the Scrutiny Committee cannot mechanically forward the application to Vigilance Cell for conducting an enquiry. When sub-rule (2) of Rule 12 contemplates that only if the Scrutiny Committee is not satisfied with the documents produced by the applicant that the case should be referred to Vigilance Cell, it follows that the Scrutiny Committee is required to pass an order recording brief reasons why it is not satisfied with the documents produced by the applicant. Before referring the case to the Vigilance Cell, application of mind to the material produced by the applicant is required and therefore, the application of mind must be reflected in the order sheets of the Scrutiny Committee.

20. It is not possible to exhaustively lay down in which cases the Scrutiny Committee must refer the case to Vigilance Cell. One of the tests is as laid down in the case of Kumari Madhuri Patil. It lays down that the documents of the pre-Constitution period showing the caste of the applicant and their ancestors have got the highest probative value. For example, if an applicant is able to produce authentic and genuine documents of the pre-Constitution period showing that he belongs to a tribal community, there is no reason to discard his claim as prior to 1950, there were no reservations provided to the Tribes included in the ST order. In such a case, a reference to Vigilance Cell is not warranted at all.”

22. The learned Senior Counsel for the petitioner drew our attention to the documents produced by the petitioner wherein

consistently the caste is shown as 'Halba'. The petitioner also placed reliance on a validity certificates issued in favour of maternal relative i.e. maternal aunt Hemangi Bhanarkar and Kalpita Bhanarkar. The maternal aunt Hemangi Bhanarkar got the validity certificate in pursuant to the order passed in Writ Petition No.166/1992. Similarly, the maternal aunt Kalpita Bhanarkar also got the validity in pursuant to the order passed in Writ Petition No.3429/1993.

23. The petitioner by way of reply to the show cause notice made it clear that there is no insertion at the behest of the petitioner nor he was having any access to the same. Relying on the Judgment in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti** (supra), he has also made it clear that affinity test is not a litmus test to decide a caste claim and is not an essential part in process of determination of correctness of a caste or tribe claim in every case and it is not a comparative test. The document produced by the petitioner, there was no reason for discarding the oldest entry of 1948 i.e. School Transfer Certificate of grandfather of the petitioner.

24. In view of above factual and law position, the impugned order passed by the Caste Scrutiny Committee declaring the 1948 document as bogus is having no basis. The scan copy of the document which was produced in the order itself shows that there is entry of 'Koshti' and 'Halba' and their occupation is shown as weaver. In view

of the Judgment in **Priya Pravin Parate** (supra), weaving is the occupation and therefore Koshti might be written, however, it is not the caste of the person. Moreover, there is a correction in the caste, however remark column is not appearing properly. Whereas the petitioner has placed on record School Leaving Certificate, wherein 'Halba' is written as the Caste pertaining to the document of Baburao Sonkusare. There is no reason to say that the document is bogus, specifically when it is issued in 1954 on leaving of the school.

25. The impugned order passed by the Caste Scrutiny Committee is not only erroneous but arbitrary, perverse and liable to be quashed and set aside. Accordingly, we proceed to pass the following order :

- (i) The writ petition is allowed.
- (ii) The impugned order dated 25/07/2025, passed by the respondent No.2-Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur in Case No.JC/TCSC/NGP/I/31/2018 is hereby quashed and set aside.
- (iii) It is held and declared that the petitioner has duly established that he belongs to 'Halba' Scheduled Tribe and is entitled for all benefits available to Scheduled Tribe candidate.
- (iv) The respondent Nos.3 and 4 are hereby directed to return the original documents i.e. degree certificate and other

documents, which have been submitted by the petitioner as per *Annexure-5* to the petitioner forthwith. If it is not possible for the respondent Nos.3 and 4 to issue degree certificate in original form, they may issue provisional degree certificate with immediate effect.

- (v) The respondent No.5 is hereby directed to issue permanent registration number to the petitioner, pursuant to the application dated 29/05/2025. For the time being, the respondent No.5 may issue provisional registration number to the petitioner with immediate effect.
- (vi) The respondent No.2-Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur is hereby directed to issue caste validity certificate to the petitioner as he belongs to '**Halba**' Scheduled Tribe within a period of two weeks.
- (vii) Till the issuance of caste validity certificate, this Judgment shall be treated as caste validity certificate, as the petitioner belongs to '**Halba**' Scheduled Tribe. The petitioner can be used this Judgment wherever he is required to use.

26. Rule is made absolute in the above terms. No order as to costs. Pending application(s), if any, stand(s) disposed of.

(NANDESH S. DESHPANDE, J)

(SMT. M. S. JAWALKAR, J)