



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

WRIT PETITION No.5796 OF 2025

Rohan S/o. Santosh Parate,
Aged about 19 years,
Occupation - Student,
R/o. Rhadakpura Ward, Umarkhed,
Taluka - Umarkhed, District-Yavatmal,
Maharashtra, Pin - 445206. : PETITIONER

...VERSUS...

The Committee for Verification of
Scheduled Tribe Certificates, Yavatmal,
District - Yavatmal,
Through its Member Secretary. : RESPONDENT

Mr. K.S. Narwade, Advocate for Petitioner.
Mr. N.R. Patil, Assistant Government Pleader for Respondent.

CORAM : **SMT. M.S. JAWALKAR AND**
NANDESH S. DESHPANDE, JJ.
RESERVED ON : **30th MARCH, 2026.**
PRONOUNCED ON : **20th APRIL, 2026.**

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

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.
2. The petitioner has filed this writ petition challenging the order dated 28.08.2025 passed by the respondent, the Scheduled Tribes Caste Certificate Scrutiny Committee, Yavatmal, (for short 'the Scrutiny Committee') rejecting his caste claim as

belonging to “Halbi” Scheduled Tribe recognized at Entry No.19 in the Constitution of India (Scheduled Tribes) Order, 1950. The petitioner submitted a proposal to the Scrutiny Committee on 15.11.2022 along with pre-Constitution documents wherein the tribe of his ancestors is recorded as 'Halbi', including the following :

Sr. No	Document Type	Name	Relation	Date
1	Birth record (Village Parjana)	Raghoba Kisan s/o	Grandfather	14.10.1932
2	Birth record (Village Parjana)	Renuka (girl child)	Great Aunt	24.10.1940

3. The present petition has a prior litigation history. On account of delay, the petitioner approached this Court in Writ Petition No.5960 of 2024, where by order dated 08.11.2024 the Scrutiny Committee was directed to decide the proposal within two months. The claim was thereafter rejected by order dated 29.11.2024, which was challenged in Writ Petition No.390 of 2025. This Court by order dated 23.04.2025 set aside the said rejection holding that the Scrutiny Committee had failed to consider the oldest documents of 1932 and 1940 and had acted contrary to Rule 2(1)(f) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003 and directed the Committee to pass a fresh order within three months. Even thereafter, the Scrutiny Committee again rejected the claim by the

impugned order dated 28.08.2025.

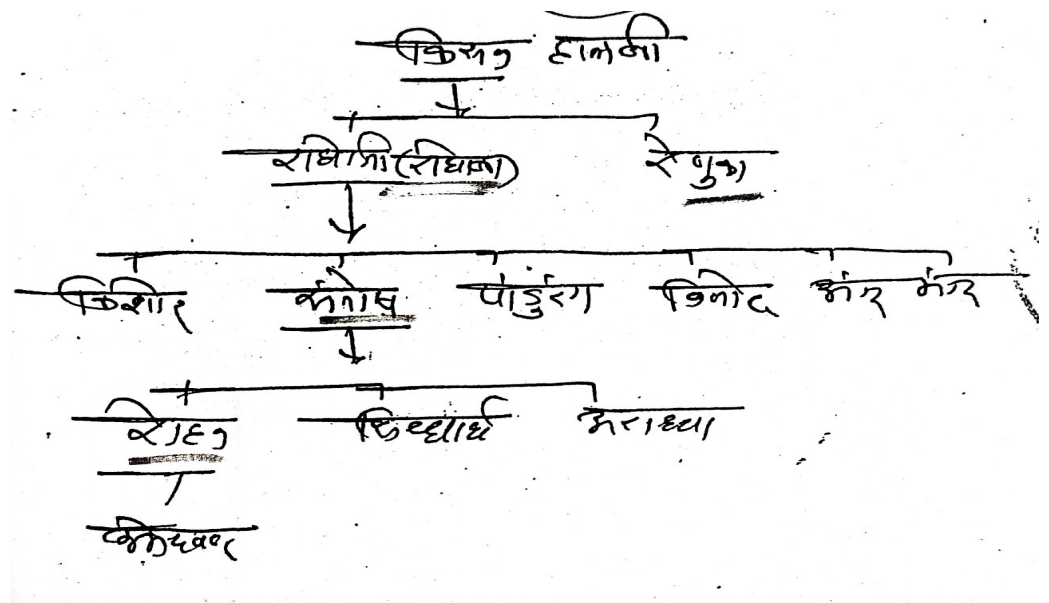
4. It is an admitted position that this Court by order dated 07.10.2025 issued a show cause notice to the Committee Members Shri Manoj Chavan, Smt. Seema Vilayatkar and Smt. Jayashri Tupekar as to why contempt action should not be initiated, upon finding that the impugned order was passed on substantially the same grounds as the earlier order dated 29.11.2024. In response, the Committee Members tendered an unconditional apology, admitted that the entries of Salu w/o. Ragho Marathi and Manyabai Ragho Marathi were of no consequence for deciding the tribe claim, and submitted that maternal side entries had been consciously ignored while passing the impugned order.

5. We have heard Mr. K.S. Narwade, learned counsel for the petitioner and Mr. N.R. Patil, learned Assistant Government Pleader for the respondent.

6. Learned counsel for the petitioner submits that the impugned order suffers from perversity and non-application of mind. The 1932 entry was wrongly discarded by treating it as singular and on account of a minor age discrepancy of four years in the Aadhaar card of Raghoji, when age entries in Aadhaar are tentative in nature, more so in case of an elderly illiterate person. The 1940 entry was wrongly discarded for want of revenue record

though the entry itself is from Village Parjana, the ancestral place consistently claimed by the petitioner.

7. It is further submitted that the Scrutiny Committee also misread the affidavit dated 26.09.2022 by holding that Raghoba was not mentioned therein, though the affidavit clearly refers to Raghoji (Raghoba) and failed to appreciate the consistent case of migration from Village Parjana to Umarkhed corroborated by school records consistently reflecting tribe as 'Halbi'. It is lastly submitted that the adverse vigilance documents bear no nexus to the petitioner's genealogy as they are all from Umarkhed, not Village Parjana, and predate the birth of the petitioner's grandfather and that the affinity finding is vague and unsustainable as strong pre-Constitution documentary evidence renders the affinity test secondary.



8. Per contra, learned Assistant Government Pleader for the respondent submits that the impugned order dated 28.08.2025 is in consonance with the remand directions in Writ Petition No. 390 of 2025 is distinct from the earlier order and was passed after full hearing when on 25.08.2025 the petitioner and his father deposed that they do not wish to produce further documents. It is submitted that the documents of 1932 and 1940 record caste as 'Haalbi' and not 'Halbi' and applying the principle in **State of Maharashtra Vs. Milind Sharad Katware, (2001) 1 SCC 4** that the Scheduled Tribes Order must be read as it is 'Haalbi' cannot be equated with 'Halbi'.

9. It is further submitted that the 1932 entry is a single entry without corroborative record, that Raghoba was not mentioned in the genealogy dated 26.09.2022 that the grandmother stated that all her children were born and educated at Umarkhed and that the age discrepancy establishes that the 1932 document does not pertain to the petitioner's family.

10. The Vigilance Cell collected the following adverse documents :

Sr No	Document Type	Entry	Relationship	Caste	Date
1	Death register extract (Mauje Umarkhed, Tq. Umarkhed, Dist. Yavatmal)	Death of Salu Mard Ragho Marathi due to fever	Great Great Grandmother	Marathi	05.06.1913

2	Birth register extract (Mauje Umarkhed, Tq. Umarkhed, Dist. Yavatmal)	Male child born to Raoji Ragho Marathi	Cousin Great Grandfather	Marathi	07.10.1917
3	Death register extract (Mauje Umarkhed, Tq. Umarkhed, Dist. Yavatmal)	Death of Anji vald Ragho Marathi due to fever	Great Grandmother (Sister of Kisan)	Marathi	05.05.1919
4	Birth register extract (Mauje Umarkhed, Tq. Umarkhed, Dist. Yavatmal)	Male child born to Bapuji Ragho Marathi	Cousin Great Grandfather	Marathi	13.11.1925

10. Pursuant to the reply of the respondent the petitioner has filed a rejoinder submitting that two Committee Members namely Smt. Seema Vilayatkar and Smt. Jayashri Tupekar have not responded to the show cause notice, that the affidavit of Shri Manoj Chavan contains bare words of apology without reasons, that the conclusions in the impugned order are substantially the same as in the earlier order which was set aside and that the Voter ID cannot be a proof of age. It is further submitted that this Court in **Tejas Ramesh Kasole**, followed in **Anand Vs. Scheduled Castes & Ors.**, **Writ Petition No.597 of 2011** has already held that 'Haalbi' and 'Halbi' are one and the same, which the Committee Members are knowingly ignoring.

11. We have carefully considered the rival submissions and perused the documents placed on record. The petitioner claims to belong to 'Halbi' Scheduled Tribe which appears at Entry No.19 in the Constitution of India (Scheduled Tribes) Order, 1950. At the outset, it is necessary to advert to the order dated 23.04.2025 passed by this Court in Writ Petition No.390 of 2025, wherein the earlier rejection dated 29.11.2024 was set aside. This Court in the said order observed as under :

"It appears that the immediate ancestors namely grandfather and great-grandfather having the entries of Halbi of 17.05.1961, 05.02.1977, 14.10.1932 and 24.10.1930. The said documents are in the form of sale deeds, extract of birth register, etc. For rejecting the claim for issuance of validity, the Committee has relied on the entries which are subsequent to the aforesaid oldest entries. Apart from above, the entries in relation to the relatives of 'aunt' are relied on for the purpose of negating the claim of the petitioner. If we consider the aforesaid approach of the Committee in the light of the definition of 'Relative' provided under Rule 2(1)(f) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003 (in short, "the Rules") the relatives of the aunt cannot be said to be having blood relation with the petitioner as they are not the relatives from the paternal side of the petitioner. As such, the order passed by the Committee is not only contrary to the provisions of Rule 2(1)(f) of the Rules but also there is a failure on the part of the Committee to consider the oldest documents of 1932 and 1940 of the great-grandfather of the petitioner."

12. A perusal of the impugned order dated 28.08.2025 passed after remand reveals that the Scrutiny Committee has failed to comply with the spirit of the aforesaid directions and has substantially repeated the same errors. This position is further fortified by the fact that the Committee Members themselves tendered unconditional apology and admitted that certain death entries were of no consequence for deciding the tribe claim.

13. On merits, the petitioner has placed on record pre-Constitution birth entries from the years 1932 and 1940, both from Village Parjana, with consistent entries of 'Haalbi/Halbi'. The genuineness and authenticity of these documents has neither been disputed nor have they been found to be fabricated by the Scrutiny Committee. The 1932 entry was discarded on the ground of it being a singular entry and on account of a discrepancy of four years in the Aadhaar card. Both grounds are unsustainable. Age entries in Aadhaar are only approximate, more so in the case of elderly and illiterate persons and a minor variation in a subsequent identity document cannot override the probative value of an old pre-Constitution birth record. The 1940 entry was wrongly discarded for want of corroborative revenue record when the entry itself is from Village Parjana. The finding that Raghoba was not mentioned in the affidavit dated 26.09.2022 is demonstrably

perverse as the affidavit clearly refers to Raghoji (Raghoba) and the consistent explanation of migration from Village Parjana to Umarkhed, corroborated by the grandmother's statement, the great aunt's affidavit dated 16.12.2010 confirming birth at Village Parjana, and the family's school records, was a cogent and plausible case which the Scrutiny Committee failed to appreciate.

14. As regards the adverse vigilance material, the Scrutiny Committee has firstly erred and thereafter willfully persisted in relying upon the school record dated 03.07.1951 pertaining to one 'Ram Kisan' showing caste as 'Koshti'. A bare perusal of the family tree of the petitioner shows that the petitioner's ancestor is 'Kisan' and not 'Ram Kisan'. The said person does not appear anywhere in the genealogy of the petitioner and therefore the said entry has absolutely no bearing on the petitioner's tribe claim. As regards the remaining five adverse entries at Sr. Nos.1 to 5 showing caste as 'Marathi', it is well settled that 'Marathi' is not a caste but a language. The Principal Bench of this Court in **Writ Petition Stamp No. 92627 of 2020 (Vilas Dinkar Bhat v. State of Maharashtra & Ors.)** has categorically held in paragraph 9 thereof that "*the caste recorded as 'Marathi' is not a caste but is a language and, therefore, the said documents or said entries cannot be considered as adverse to the petitioner's claim.*"

15. In view of the said settled legal position, the five adverse entries showing 'Marathi' could not have been relied upon by the Scrutiny Committee to defeat the petitioner's tribe claim, and reliance thereon renders the impugned order wholly unsustainable.

16. As regards affinity the Hon'ble Apex Court in **Anand v. Committee for Scrutiny & Verification of Tribe Claims, (2012) 1 SCC 113** has held that the affinity test is not the only criteria for deciding a tribe claim and where pre-Constitutional documents consistently establish tribal identity, the affinity test becomes secondary and cannot by itself defeat an otherwise well-documented claim. The petitioner and his family having been residing in a municipal area at Umarkhed over generations cannot be a ground to deny the claim when the documentary evidence is otherwise consistent.

17. We are, therefore, of the considered opinion that the impugned order passed by the Scrutiny Committee is vitiated by non-consideration of the true purport of the pre-Constitutional entries, unsustainable reliance upon a phonetic spelling variation to defeat the claim, erroneous and willful reliance upon the school record of an unconnected person not forming part of the petitioner's genealogy, reliance upon entries recording 'Marathi' which is a language and not a caste, perverse appreciation of the genealogy,

the affidavit and the migration history of the petitioner and failure to comply with the spirit and letter of the remand directions issued by this Court. The impugned order is accordingly unsustainable in law and is liable to be quashed and set aside.

18. Accordingly, we pass the following order :

ORDER

(i) The Writ Petition is allowed.

(ii) The impugned order dated 28.08.2025 passed by the Scheduled Tribes Caste Certificate Scrutiny Committee, Yavatmal, rejecting the tribe claim of the petitioner is hereby quashed and set aside.

(iii) The respondent Scheduled Tribes Caste Certificate Scrutiny Committee, Yavatmal is directed to issue a validity certificate to the petitioner certifying him as belonging to “Halbi” Scheduled Tribe within a period of four weeks from the date of receipt of a certified copy of this order.

(iv) The Writ Petition is disposed of.

(v) Rule is made absolute in the above terms with no order as to costs.

(NANDESH S. DESHPANDE, J.)

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