



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION No.7036 OF 2025

Shri Sachin S/o Sudhakar Nagpure,
Aged about 46 years
Occ. Business,
R/o plot no. 104,
Ridhi Siddhi Apartment,
Balaji Colony, Shivaji Nagar,
Paratwada, District Amravati.

: PETITIONER

...VERSUS...

The Scheduled Tribe Caste Certificate
Scrutiny Committee,
Through its Member - Secretary,
Sana Building, Chaprashipura,
Amravati – 444 602.

: RESPONDENTS

=====

Mr. Ashwin Deshpande, Advocate for Petitioner.

Mr. A.S. Fulzele, Additional Government Pleader for Respondent.

=====

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

RESERVED ON : **10th FEBRUARY, 2026.**

PRONOUNCED ON : **23rd FEBRUARY, 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 the present petition challenging
the order passed by the respondent - Scheduled Tribes Caste

Certificate Scrutiny Committee, Amravati, (for short “the Committee”) rejecting his caste claim as belonging to ‘Halbi’ Scheduled Tribe.

3. The petitioner has obtained a caste certificate dated 26.07.1991, certifying him as belonging to the ‘Halbi’ community which is a Scheduled Tribe. The petitioner submitted his proposal for verification of caste claim on 31.03.2014 along with comprehensive documentary evidence.

4. The petitioner submitted the following documents in support of his caste claim (only relevants are mentioned below) :

Sr. No	Document	Type Name	Relation	Date	Caste
1	Service book record	Sudhakar Nagpure	Father	DOB: 09.03.1944	Halbi
2	Birth record	Female child	Born to Rajaram Sadashiv (Great Grandfather)	DOB: 18.10.1933	Halbi
3	Birth record	Female child	Born to Sadashiv Fakirji (Great Great Grandfather)	DOB: 08.01.1920	Halbi
4	Birth record	Female child	Born to Sadashiv Fakirji	DOB: 25.06.1925	Halbi
5	Record of Rights	Sadashiv Fakirji	Great Great Grandfather	27.02.1932	Halbi
6	School leaving certificate	Rajaram Sadashiv	Great Grandfather	14.10.1950	Halbi

5. The relatives of the petitioner have been granted validity certificates by this Court for ‘Halbi’ Scheduled Tribe

category vide order dated 31.12.2012 in Writ Petition No.2474 of 2004 along with connected matters.

6. Learned counsel for the petitioner vehemently submits that the impugned order suffers from total non-application of mind. The genuineness and authenticity of the pre-1950 documents has neither been examined nor have any of these documents been found to be bogus or fabricated. All documents unequivocally indicate the petitioner's claim as 'Halbi' Scheduled Tribe.

7. It is further strenuously contended that the Committee has erroneously rejected the claim solely on the ground of failure to establish the affinity test even though no expert enquiry by recording evidence of customs and practices was conducted as mandated by law. However, it is stated that when documents conclusively establish tribal identity, the affinity test becomes irrelevant.

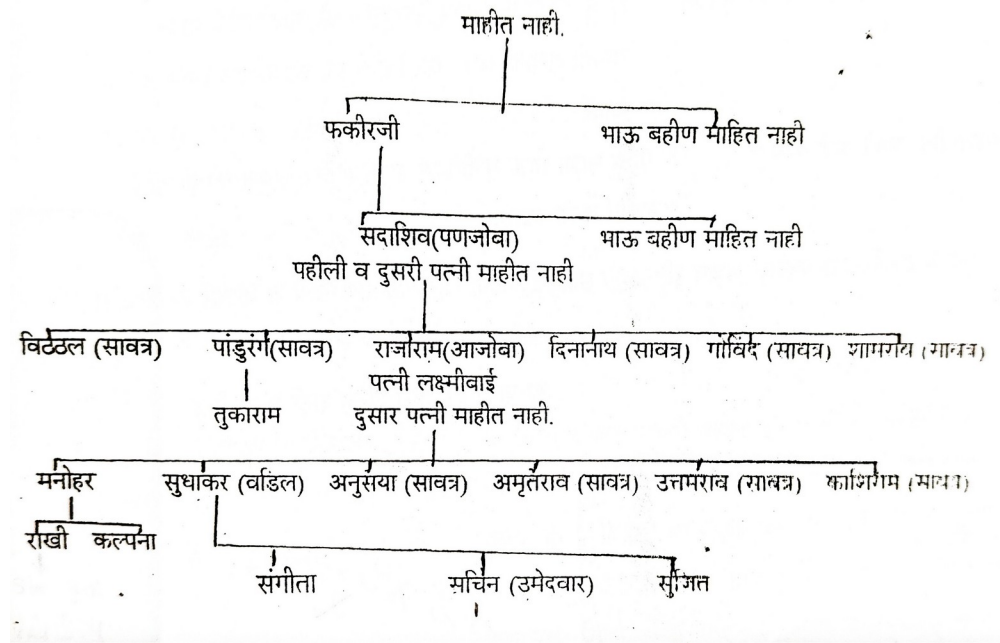
8. Learned counsel submits that certain documents showing 'Koshti' (contra entries) are based on occupation (weaving) and not caste. 'Koshti' was introduced as a caste only in 1995 in the Special Backward Class category. The pre-Constitutional documents have greater probative value, and the petitioner has submitted documents dating back to 1910, 1920 and 1925.

9. It is submitted that when blood relatives have already

been granted validity certificates by this Court, the petitioner is entitled to the same status and recognition.

10. Lastly, reliance is placed in the case of **Anand Vs. Committee for Scrutiny & Verification of Tribe Claims and Ors.** Reported in AIR 2012 S.C. 314, **Priya w/o. Pravin Parate vs. Scheduled Tribes Caste Certificates Scrutiny Committee, Nagpur and another** reported in 2013 (1) Mh.L.J. 180, **Apoorva Nichale Vs. Regional Caste Certificate Scrutiny Committee**, reported in 2010 (6) Mh.L.J. 401, and Writ Petition No.3887 of 2017.

11. For the sake of brevity, family tree re-produced below :



12. Per contra, the Additional Government Pleader for the respondent even though has not filed affidavit-in-reply states that the order impugned takes into consideration the documents filed on

record and the reasons for discarding said documents are sustainable in law, in view of the finds of the Vigilance Cell.

13. We have carefully considered the submissions advanced by learned counsel for the petitioner and learned Additional Government Pleader for the respondent and have perused the documents placed on record. The petitioner claims to belong to 'Halbi' Scheduled Tribe which appears at Sr. No. 19 in the Presidential (Scheduled Tribes) Order, 1950.

14. The petitioner has submitted voluminous documentary evidence dating back to 1910. The oldest document is the school leaving certificate of the petitioner's forefather Rajaram Sadashiv dated 14.10.1910. Subsequently, birth records dated 08.01.1920 and 25.06.1925 of female children born to the petitioner's ancestor Sadashiv Fakirji showing the caste as 'Halbi' have been submitted. The Record of Rights dated 27.02.1932 pertaining to the petitioner's ancestor further corroborates the claim. All these documents are pre-Constitutional documents pertaining to the period prior to 1950.

15. The genuineness, authenticity and existence of these documents has neither been disputed nor have any of these documents been found to be bogus, false or fabricated by the Scrutiny Committee. The petitioner has consistently shown the

caste as 'Halbi' through documentary evidence except for certain contra entries which are admittedly based on occupation and not caste. The impugned order is conspicuously silent on the proper examination of these pre-Constitutional documents. As held by the Hon'ble Supreme Court in *Anand v. Scrutiny Committee* (supra) pre-Constitutional documents carry greater probative value and must be accorded due consideration while examining caste claims. The failure of the Committee to properly appreciate and evaluate these documents renders the impugned order wholly unsustainable.

16. The primary ground on which the Committee has rejected the petitioner's claim is the alleged failure to establish the affinity test. However, when overwhelming documentary evidence conclusively establishes the tribal identity spanning multiple generations, the affinity test becomes irrelevant and superfluous. The affinity test, as laid down in judicial precedents, mandates expert enquiry by recording evidence of customs, usages and practices of genuine tribal persons. Admittedly, no such expert enquiry has been conducted in the present case. There is no expert available with the Committee possessing thorough knowledge of the 'Halbi' tribe to conduct such a specialized enquiry. The rejection of the caste claim solely on the ground of affinity test, without proper expert enquiry and in the face of conclusive documentary evidence,

is manifestly perverse and cannot be sustained in law.

17. Further, the Committee has placed undue reliance on one document showing the caste as 'Koshti'. It is pertinent to note that 'Koshti' was an occupation (weaving) and not caste. 'Koshti' was introduced as a caste only in 1995 vide Government Resolution in the Special Backward Class category. The Committee has also relied upon a contra entry dated 03.06.1936 pertaining to one Tulshiram Yadoji showing caste as 'Koshti'. However, the Committee itself has accepted that the relation of the said person could not be established with the petitioner as per the genealogy. Reliance on such a document which has no established connection with the petitioner's family lineage is totally misconceived and renders the impugned order perverse.

18. This Court in **Priya w/o. Pravin Parate vs. Scheduled Tribes Caste Certificates Scrutiny Committee, Nagpur and another** (supra) has categorically held that Halbis in erstwhile Ellichpur and Anjangaon Surji in Daryapur Taluq in Amravati District were engaged in the profession of weaving and persons engaged in weaving were called 'Koshti'.

19. Furthermore, petitioner's real sister, Sangita Sudhakar Nagpure, has been granted validity for 'Halbi' Scheduled Tribe by this Court vide Order dated 21.01.2026 in Writ Petition

No.3887/2017. Likewise, the cousin sister of the petitioner, Rakhi Nagpure has been accorded similar recognition vide order dated 11.12.2012 in Writ Petition No.2474/2004 along with connected matters. This Court in *Apoorva Nichale v. Regional Caste Certificate Scrutiny Committee*, (supra) has categorically held that where a committee has given a finding about the validity of caste of a candidate, another committee ought not to refuse the same status to a blood relative who applies. A merely different view on the same facts would not entitle the committee to reject the claim. The petitioner being a blood relative of the persons who have already been granted validity certificates by this Court is entitled to the same status and recognition. The Committee has failed to consider this significant and material fact.

20. We are, therefore, of the considered opinion that the order passed by the Committee impugned in this petition is unsustainable in law and is liable to be quashed and set aside. Accordingly, we pass the following order :

ORDER

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 27.3.2024, passed in Case No.DD/TCSC/NGP/SSN/I-221/94-95, by the respondent - Scheduled Tribes Caste Certificate

Scrutiny Committee, Amravati is hereby quashed and set aside.

- (iii) It is hereby declared that the petitioner, namely, Shri Sachin S/o Sudhakar Nagpure belong to 'Halbi' Scheduled Tribe and the Scrutiny Committee is directed to issue validity certificate to the petitioner within four weeks from the date of receipt of order.
- (iv) Rule is made absolute in the above terms with no order as to costs.

(NANDESH S. DESHPANDE, J.)

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