

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION No.7066 OF 2025

AND

WRIT PETITION No.7028 OF 2025

WRIT PETITION No.7066 OF 2025

Vidisha D/o Sachin Nagpure,
Aged about 17 Years,
Occu.-Student,
through her Natural Guardian Father
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.

: RESPONDENT

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Mr. Ashwin Deshpande, Advocate for Petitioner.
Mr. A.S. Fulzele, Additional Government Pleader for Respondent.

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AND

WRIT PETITION No.7028 OF 2025

Shreesha D/o Sujit Nagpure,
Aged about 17 Years, Occu.-Student,
Through her Natural Guardian Father

Shri Sujit S/o Sudhakar Nagpure,
Aged about 49 years Occ. Business,
R/o plot No. 31,
New Narsala, Chimurkar Layout No. 1,
Nagpur.

: PETITIONER

...VERSUS...

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

: RESPONDENT

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 parties.

2. Both these petitions challenge common order dated
28.5.2024 passed by the Scheduled Tribe Caste Certificate Scrutiny
Committee, Amravati, i.e. respondent and, therefore, are being
disposed of by this common judgment.

3. As far as petitioners in both Writ Petitions are concerned, they obtained a caste certificates belonging to 'Halbi', which belongs to the Scheduled Tribe from the competent authority i.e. Sub-Divisional Officer, Achalpur on 17.7.2007. On 4.1.2024 the petitioners submitted necessary proposals for verification of their caste claims and submitted various documents in support of their claims. On 28.3.2024 the Police Vigilance Cell conducted an inquiry pursuant to which the respondent Committee issued a show cause notice to them. On 3rd April, 2024 the petitioners filed their replies to the said report. Thereafter, after evaluating the documentary evidence on record the respondent Committee has passed the impugned order thereby rejecting the claim of validation. It is this order, which is impugned in the present petition.

4. We have heard Mr. Ashwin Deshpande, learned counsel for the petitioners and Mr. A.S. Fulzele, learned Additional Government Pleader for the respondent.

5. Learned counsel for the petitioners by taking us through the impugned order submits that the Committee has grossly erred in invalidating the claim since there was abundant

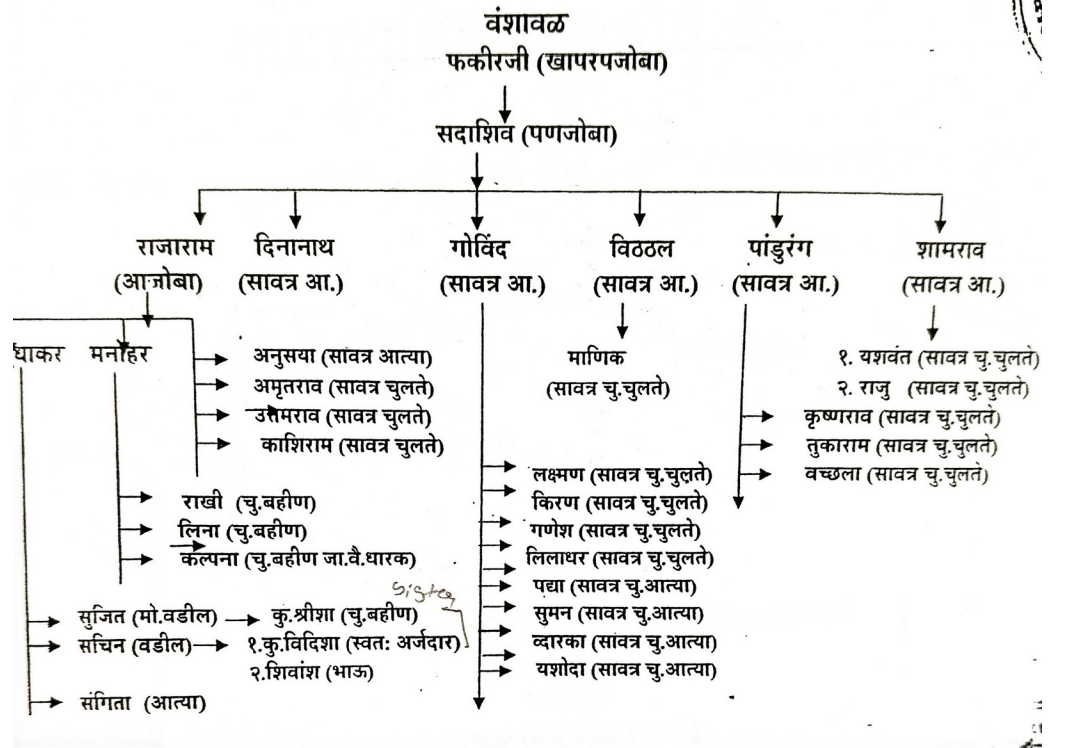
evidence on record in form of old documents. He further submits that the genuineness, authenticity and existence of documents filed by the petitioners along with her proposal for validation has neither been gone into by the Committee nor there is any finding regarding the said documents being bogus, false or fabricated. It is, therefore, his submission that in view of the said fact, there was no scope left for the Committee to invalidate the caste claims of the petitioners for 'Halbi' Scheduled Tribe. He further submits that the finding of the Scrutiny Committee regarding failure of the petitioners to establish her affinity towards the said tribe is also erroneous since in view of the documents filed on record the affinity test becomes irrelevant. In nut shell, it is the submission of the counsel for the petitioners that the order of the Scrutiny Committee is unsustainable in law.

6. 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, **Apoorva Nichale Vs. Regional Caste Certificate Scrutiny Committee**, reported in 2010 (6) Mh.L.J. 401, and **Ku. Madhuri Patil and another Vs. Additional Commissioner, Tribal Development and others**, reported in (1994) 6 SCC 241.

7. 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.

8. For better understanding, the family tree is re-produced as under :



9. In the backdrop of these facts, we have carefully appreciated the contentions advanced by the respective counsels. As can be seen from the impugned order, the documents which were filed by the petitioners in support of her caste claim were

dating back to the year 1933 and to be more precise of 18.10.1933, which was birth extract of a female child born to Rajaram s/o. Sadashiv, who is great grandfather. Thereafter, there was a document of 10.4.1943 which was a school leaving certificate of one Krushna Pandurang Nagpure, who happens to be the cousin great grandfather. The next document in line was the school leaving certificate of Sudhakar Rajaram Nagpure dated 1st July, 1960, who happens to be the grandfather of the applicants/petitioners.

10. The reasons for discarding the said old documents is firstly that the claim of father of the petitioner i.e. Sachin Nagpure has already been invalidated by the Committee. It is, however, noteworthy to mention here that the said invalidation is under challenge before this Court in Writ Petition No.7036/2025. 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.

11. It is also relevant to point out that the maternal aunt of the petitioner, namely, Sangita Sudhakar Nagpure has been granted validity by this Court in Writ Petition No.3887/2017. 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.

12. In the backdrop of these facts, if we appreciate the findings/reasons of the Scrutiny Committee, in our view, the same cannot be sustained. The reliance placed by the Scrutiny Committee on the entries found in the Vigilance Cell inquiry depicting 'Koshti' is totally unsustainable since as already stated above there are older documents in support of the caste claim of 'Halbi'. In this regard, it is worthwhile to mention that the document dated 21.4.1938 showing a male child born to one Rajaram has been specifically denied by the petitioner, which finding finds place even in the impugned order. It is the defence of the petitioner that the said document has been obtained due to similarity in names. This explanation has not been considered by

the Scrutiny Committee while passing the order impugned leave apart negating it.

13. Furthermore, only because the old documents dating back to the year 1933 are torn or in dilapidated condition cannot be a reason *ipso facto* to reject the claim of the applicants/petitioners more particularly when there was another corroborative evidence in the form of documents on record in support of the claim. As already stated above, the maternal aunt of the petitioners, namely, Sangita Sudhakar Nagpure has been granted validity by this Court and the father of the petitioner namely Sachin has challenged his invalidation as stated above. Thus, the reliance on the contra entries of 'Koshti' found in the Vigilance Cell is totally erroneous and absurd. The discussion regarding 'Koshti' community and the judgments mentioned in the impugned order are hardly relevant in view of the fact that the basis of the claim of the petitioners i.e. the old documents as mentioned above. It seems that the Scrutiny Committee is devising new method or new reasoning without any legal basis for rejecting the claim of applicants/petitioners. The order, therefore, cannot withstand the scrutiny of law and is, therefore, liable to be interfered with it being perverse. We, therefore, pass the following order :

ORDER

- (i) The Writ Petitions are allowed.
- (ii) The impugned order dated 28.5.2024, in (1) Case No. 5/503/Edu/122023/241030 and (2) Case No.5/503/Edu/012024/241063, passed by respondent is quashed and set aside.
- (iii) It is hereby declared that the petitioners, namely, (1)Vidisha d/o. Sachin Nagpure and (2) Shreesha d/o. Sujit Nagpure belong to 'Halbi' Scheduled Tribe and the Scrutiny Committee is directed to issue validity certificate to the petitioners within four weeks from the date of receipt of order.
- (iii) Writ petitions are disposed off accordingly.

14. Rule made absolute in the aforesaid terms. No costs.

(NANDESH S. DESHPANDE, J.)

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