



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

WRIT PETITION NO.6776/2023

Archit S/o. Sanjeev Nandanwar,
Aged about 17 years, Occ. Student,
through its Natural Guardian Father 1
Shri Sanjeev S/o. Sampatrao
Nandanwar, aged about 58 years,
Occ. Service, R/o. C.P.W.D. Qtr. No.
156, Type-III, Near T.V. Tower
Seminar Hill, Nagpur.

....**PETITIONER**

....**VERSUS**....

The Scheduled Tribe Caste
Certificate Scrutiny Committee,
through its Member Secretary
and Deputy Director, Sanna
Building, Opp. Govt. Rest House,
Camp Amravati- 444601.

....**RESPONDENT**

Shri Ashwin Deshpande, Advocate for petitioner.
Shri N.R. Patil, AGP for respondent.

CORAM : **ANIL S. KILOR AND**
SMT. M.S. JAWALKAR, JJ.

DATE OF RESERVING THE JUDGMENT: **05/03/2024**
DATE OF PRONOUNCING THE JUDGMENT : **11/03/2024**

JUDGMENT (PER: SMT. M.S. JAWALKAR, J.)

Rule. Rule made returnable forthwith.

2. Heard finally by the consent of learned counsel
appearing for the parties.

3. The Petitioner has challenged the order dated 04/09/2023 of invalidation of the Caste claim of the petitioner by the Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati (Hereinafter referred as “Caste Scrutiny Committee”). The petitioner claims to be belonging to “Halbi” Scheduled Tribe, which is recognized at Sr. No. 19 in the Schedule Tribe Order, in the State of Maharashtra.

4. The petitioner is a student and has completed his 12th standard from the Kendriya Wayusena Nagar, Nagpur and now wants to pursue his higher education from Scheduled Tribe Category. As the admission of petitioner was in Scheduled Tribe Category, the claim for verification was forwarded to respondent Committee through Principal, Kendriya Wayusena Nagar, Nagpur vide letter dated 20/03/2023. The petitioner also filed an online application form for verification along with necessary documents.

5. It is contended that the petitioner has been conferred with Caste Certificate as “Halbi” Schedule Tribe on 26/07/2016 by the Sub-Divisional Officer, Achalpur. Scrutiny Committee handed over the proposal to the Vigilance Cell. The Vigilance Cell submitted its report and stated in its report that the Vigilance Cell Officer obtained “Koshti” Caste entries in respect of some Maroti, Maroti Vithoba and Namdeo Maroti of 1918, 1929, 1937 and 1913 but the petitioner has no relation with these entries.

6. It is further contended by the petitioner that there are three Validity Certificates issued by the Caste Scrutiny Committee of Amravati to the close relatives of the petitioner; one to the petitioner’s real aunt namely **Suman Sampatrao Nandanwar** on 31/12/2012 and other to the petitioner’s real sister namely **Ku. Tanaya Sanjeev Nandanwar** on 08/07/2019 and the third one is granted to the petitioner’s cousin brother namely **Pushkar Suresh**

Nandanwar on 08/07/2019 by Amravati Committee. The Scrutiny Committee ignored the oldest document of the Petitioner's great great grandfather and cousin grandfather of 1925, 1947, and 1937 which showing the caste of these persons as "Halbi" as under :-

Name	Relation	Document	Date of document	Caste
Sitaram Hateba	Great great-Grandfather of petitioner	Birth Register	01/06/1925	Halbi
Namdeo Maruti	Cousin Grandfather of petitioner	Birth Register	01/09/1947	Halbi
Namdao Maruti	Cousin grandfather of petitioner	School Admission Register	11/09/1925	Halbi
Gangaram Maruti	Cousin grandfather of petitioner	School Admission Register	21/04/1937	Halbi

7. The Respondent discarded all the above validity certificates and other pre-constitutional documents and rejected the Tribe claim of the petitioner and passed an impugned order.

8. The learned Assistant Government Pleader for the respondent supported the order passed by the Scheduled Tribe Caste Certificate Scrutiny Committee. It is admitted

that, there is no dispute in respect of family tree, however, it is contended that the Vigilance Cell procured certain documents which are showing the Caste as “Koshti” and the claim of the petitioner is rightly rejected by the Scrutiny Committee.

9. We have heard both the parties and perused the record and proceedings with the assistance of learned AGP. The family tree produced at page 96 has not been disputed by the learned AGP. It appears that the real sister of the petitioner Ku. Tanaya is already granted validity certificate (page 94) by the Scrutiny Committee. The cousin of the petitioner namely Pushkar Suresh Nandanwar is also granted the caste validity certificate (page 106). The real aunt of the petitioner namely Suman is granted caste validity certificate (page 88) as per direction of this Court in Writ Petition No. 1285/2004 (page 89). It appears that, while directing the Scrutiny Committee to issue validity certificate in favour of the real aunt, this Court relied on the document dated 01/06/1925 wherein the caste of the grandfather of the petitioner therein is shown to be “Halbi”.

10. So far as the documents procured by the Vigilance Cell is concerned, the petitioner specifically replied the same with explanation that the persons shown in the so called documents are not in relation with the petitioner. The petitioner placed on record the School Leaving Certificate of Namdeo Maruti wherein he has shown as "Halbi", it is of 11/09/1925. Whereas the School Leaving Certificate of Gangaram Maruti showing him as "Halbi" of 21/04/1937. As such, there are many documents placed on record of pre-independence days showing the persons in blood relation of the petitioner from paternal side are "Halbi". However, it appears that it was not considered by the Scrutiny Committee. The most important part is that in spite of issuance of validity certificate in favour of the real sister, cousin brother and real aunt, the Scrutiny Committee rejected the claim of the petitioner. It is settled position of law that, if there is validity certificate issued in favour of one of the members, the other members cannot be denied unless there is any fraud played by the petitioner. It would be beneficial to cite the judgment of

***Apoorva d/o. Vinay Nichale Vs. Divisional Caste Certificate
Scrutiny Committee No. 1, Nagpur and others in Writ
Petition No. 1504/2010, wherein it is held as under:***

"We thus come to the conclusion that when during the course of enquiry the candidate submits a caste validity certificate granted earlier certifying that a blood relation of the candidate belongs to the same caste as that claimed by the applicant, the committee may grant such certificate without calling for Vigilance Cell Report. However, if the committee finds that the earlier caste certificate is tainted by fraud or is granted without jurisdiction, the Committee may refuse to follow and may refuse to grant certificate to the applicant before it."

11. After going through the record of the Scrutiny Committee and earlier judgment passed in favour of real aunt as well as validity certificate issued in favour of real sister and cousin brother, the reasons putforth by the Scrutiny Committee for invalidating the caste claim of the petitioner cannot sustained in the eye of law. There are pre-constitutional documents which are already considered by this Court, the same are relied by the petitioner. As such, those documents ought to have been considered while deciding the claim of the petitioner. In view thereof, the order passed by the Scrutiny Committee dated 04/09/2023 is

required to be quashed and set aside. The petitioner has duly established that, he belongs to “Halbi” Scheduled Tribe. Accordingly, we proceed to pass the following order:-

ORDER

- i) The order dated 04/09/2023 passed by the respondent - the Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati in the matter of the petitioner- Archit S/o. Sanjeev Nandanwar is hereby quashed and set aside.
- ii) It is declared that the petitioner belongs to “Halbi” Scheduled Tribe which is entry No. 19 in the Constitution (Scheduled Tribes) Order, 1950.
- iii) The respondent - Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati shall issue validity certificate to the petitioner within a period of four weeks from today.

Rule is made absolute in above terms. No
costs.

The record be returned immediately.

(Judge)

(Judge)

B.T.Khapekar