



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

WRIT PETITION NO. 1297 OF 2022

Ashok s/o Gangadhar Bende,
aged about 42 yrs, Occ. Service
as Assistant Teacher,
R/o. Ravinagar, Gabhane Layout,
Morshi, District Amravati

.....**PETITIONER**

...V E R S U S...

1. The State of Maharashtra
through its Secretary, Tribal Welfare
and Social Justice Department,
Mantralaya, Mumbai 32

2. Scheduled Tribe Caste Certificate
Scrutiny Committee, Amravati
Division, Amravati, through its Member
- Secretary/Deputy Director.

3. Satpuda Welfare Society, Salbardi
Taluka Morshi District Amravati
through its President

4. Head Master, Satpuda Secondary
School, Pala, Taluka Morshi,
District Amravati

.....**RESPONDENTS**

Mr. N.C. Phadnis, Advocate for the petitioner,
Mr. A.V. Palshikar, AGP for respondent Nos. 1 and 2/State.

CORAM :- AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.

DATE : 09.04.2025

JUDGMENT (Per: Abhay J. Mantri, J.)

Rule. Heard finally with the consent of the learned counsel for the parties.

2. The challenge is raised to the order dated 03.01.2022, passed by respondent No. 2 Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati (for short- "***the Committee***"), thereby invalidating the caste claim of the petitioner that he belongs to '***Halbi***' Scheduled Tribe.

3. The petitioner claims that he belongs to the 'Halbi' Scheduled Tribe. On 11.07.1996, Sub Divisional Officer Morshi issued a tribe certificate in his favour. The petitioner came to be appointed as an Assistant Teacher in the Scheduled Tribe category. Accordingly, he submitted his tribe certificate along with other documents to respondent No. 4 School. Pursuant to that, the headmaster of the school forwarded his tribe certificate along with other documents to the Committee for verification. The Committee was dissatisfied with the documents and forwarded the proposal to the Vigilance Cell for detailed enquiry. The Vigilance Cell thoroughly inquired into the matter and submitted its report to the Committee

on 07.05.2013, observing that two adverse entries, i.e. 'Koshti', had been found during the enquiry. Accordingly, the Committee issued a show cause notice to the petitioner, calling upon his explanation about the adverse entries. The petitioner submitted his explanation to the Committee and categorically denied those documents and his relationship with the persons mentioned in those documents. After affording an opportunity to hear the petitioner and considering the documents, vigilance cell report, and explanation submitted, his claim that he belongs to the 'Halbi' Scheduled Tribe has been invalidated by the committee; hence, this petition.

4. Mr. Phadnis, the learned Counsel for the petitioner, has vehemently contended that the petitioner, in support of his claim, has submitted 11 documents on record, out of which the document dated 03.03.1926 pertains to his grandfather and other documents from 1951 till 1996 pertain to his father and grandfather wherein their caste has been recorded as Halbi. However, the Committee has not considered those documents and given undue importance to the two documents of 1920 and 1949, discovered by the Vigilance Cell during the enquiry, which the petitioner categorically denied. The petitioner had also denied his relationship with them. He has drawn

our attention to the explanation submitted by the petitioner and the documents on record and urged to allow the petition.

5. *Per contra*, Mr. Palshikar, the learned AGP, has argued that during the vigilance enquiry, two documents of 1920 and 1948 were discovered by the Vigilance Cell pertaining to the great-grandfather and grandfather of the petitioner wherein their caste has been recorded as 'Koshti.' The document of 1920 is the oldest one, and the petitioner failed to explain the said adverse entry; therefore, the Committee has rightly rejected the claim of the petitioner that he belongs to the 'Halbi' Scheduled Tribe. In an affidavit in reply, respondent No. 2 has placed reliance on certain decisions and contended that based on the dictum laid down in the said decisions, the petitioner failed to prove his tribe claim and, hence, urged for dismissal of the petition.

6. We have appreciated the rival contentions of the learned counsel for both parties and perused the impugned order and record. We have also gone through the original record and returned it.

7. At the outset, it appears that the Committee has rejected the petitioner's claim solely based on the two documents of 1920 and 1948 discovered by the Vigilance Cell during the enquiry. According to the Vigilance Cell, those documents are pertaining to the great-grandfather and grandfather of the petitioner, wherein their tribe has been recorded as 'Koshti'. It is pertinent to note that by filing an explanation to the show cause notice in paragraph 7, the petitioner has categorically denied the entries in those documents and his relationship with those persons. He further categorically stated that they are not in his blood relation. No father's name or surname of the alleged 'Bapu' has been mentioned in the document of 1920; however, the committee, without recording any reason for discarding the explanation submitted by the petitioner, erred in believing those documents as genuine. In fact, it was incumbent on the part of the Committee to consider the explanation and other documents on record and assign the reasons for discarding them. In failure to do so, the Committee failed to discharge its duty.

8. We have verified the document of 1920 from the original record. We would like to reproduce the entry in the said document as “बापू वल्द कोष्टी सरमसपूरा”.

A bare perusal of said entry denotes that neither the father's name nor the surname of the person "Bapu" has been mentioned in the said entry. When the relationship with said 'Bapu' has been categorically denied by the petitioner, in such an eventuality, it was incumbent on the Committee to assign reason/s for accepting said entry or to consider the same while rejecting the claim of the petitioner. However, the Committee has failed to do so while discarding the petitioner's claim. The said finding of the Committee appears contrary to the documents on record and settled principle of law; therefore, it cannot be sustained in the eyes of the law.

9. As against, it appears from the record and impugned order that in paragraph 3, the Committee has referred to the documents of 1926 and 1951 and other documents pertaining to the grandfather and father of the petitioner, wherein their caste has been recorded as '*Halbi*'. Notably, neither the Vigilance Cell nor the Committee had disputed those documents and entries. A bare perusal of those entries reveals that they pertain to the father and grandfather of the petitioner, wherein their caste has been recorded as Halbi. *Moreover*, as discussed above, it would not be proper to

rely on the disputed and inadequate document of 1920, which the petitioner categorically denied; in that circumstance, the document of 1926 is the oldest. It is a settled position of law that the oldest document has more probative value than the subsequent document. The document of 1926 and other documents on record clearly denote that the petitioner's ancestors belong to the “*Halbi*” Scheduled Tribe.

10. Thus, the petitioner has demonstrated that his ancestors belong to the “*Halbi*” Scheduled Tribe. The authenticity of the 1926 document is neither disputed by the Committee nor Vigilance Cell; therefore, there is no reason to disbelieve the document, which has more probative value. That being so, the Committee has erred in discarding those documents and giving undue importance to the disputed document of 1920, which the petitioner categorically denied. Based on the said finding, the impugned order cannot be sustained in the eyes of the law, and the same is liable to be quashed and set aside.

11. In the above backdrop, we deem it appropriate to allow the petition. As a result, we allow the petition. The Impugned order

dated 03.01.2022, passed by respondent No. 2 Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati, is hereby quashed and set aside. It is hereby declared that the petitioner belongs to the “*Halbi*” Scheduled Tribe. The respondent No. 2 Caste Certificate Scrutiny Committee is directed to issue a validity certificate in favour of the petitioner within four weeks from the date of receipt of this order.

11. The petition is allowed, and the Rule is made absolute in the above terms. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

R. Belkhede,
Personal Assistant