



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

WRIT PETITION NO. 5378 OF 2022

Mahendra S/o Ganpat Neware, Aged about-47 yrs, Occ.-Agriculture, R/o-at Nimboli, Tq. Dhamangaon Rly., Dist.Amravati. **Petitioner**

**-Versus-**

1. The Schedule Tribe Caste Certificate Scrutiny Committee, Through its Member-Secretary, Amravati Division, Amravati. **Respondents**
2. The Collector & District Magistrate, Amravati, Distt. Amravati.

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Mr. Ashwin Deshpande, counsel for the petitioner.  
Mr.M.K.Pathan, AGP for the respondents.

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**CORAM : ROHIT B. DEO AND  
M.W.CHANDWANI, JJ.**

**DATE : 23<sup>RD</sup> JUNE, 2023**

**JUDGMENT (PER : M. W. Chandwani, J.)**

Heard.

2. **Rule.** Rule made returnable forthwith. The petition is heard finally with the consent of the learned counsel appearing for the respective parties.

3. The petition challenges the order dated 27/04/2022 of the Scheduled Castes and Scheduled Tribes Scrutiny Committee Amravati, whereby the Committee invalidated the caste claim of the petitioner.

4. The petitioner claims himself to belong to 'Gond Gowari' caste, which falls into Scheduled Tribe Category. The petitioner filed nomination form for the post of Sarpanch from Scheduled Tribe Category for Gram Panchayat Nimbole, Tahsil Dhamangaon, District Amravati. The petitioner was elected as a sarpanch in the said election. The petitioner through Tahsildar, Dhamangaon forwarded his caste claim to the Committee on 02/02/2021. On 12/02/2021, since the members of the gram panchayat raised an objection regarding caste certificate of the petitioner, he gave undertaking dated 12/02/2021 that if caste validity certificate is not submitted within one year from the date of election, his candidature shall be automatically cancelled and declared disqualified. The Committee after going through the documents

submitted by the petitioner and after considering the affinity test, invalidated the caste certificate of the petitioner by impugned order dated 27/04/2022. Due to invalidation of his caste claim and the undertaking dated 12/02/2021, he was automatically disqualified from the post of Sarpanch. Aggrieved by the said order of invalidation of caste claim of the petitioner, the petitioner approached this Court by way of this petition.

5. Heard the learned counsel for the petitioner as well as the learned Assistant Government Pleader for the respondents. We have gone through the record of case No.5/503/Elc/022021/181578 and the impugned order.

6. Perusal of the impugned order showed that the Committee has come to the conclusion that the pre-constitutional documents wherein the caste of grandfathers of the petitioner is recorded as 'Gowari' and there is no reference of 'Gond', which in fact is the caste included in the Special Backward Class from 1994. The Committee disbelieved the recent document containing caste as 'Gond Gowari' on the ground that it has not been supported by any pre-constitutional document. The Committee also found that the affinity test of the petitioner's family is not co-related with

‘Gond Gowari’ scheduled tribe community and therefore, invalidated the caste claim of the petitioner.

7. Since, the caste claim of the petitioner as ‘Gond Gowari’ does not get support from the pre-constitutional document, which have more probative value, the Committee rightly tested the caste claim of the petitioner on the basis of affinity test. We do not see any reason to interfere in the impugned order of invalidation of the caste claim of the petitioner. Recently, the Hon’ble Supreme Court in the case of **State of Maharashtra v. Keshao Vishwanath Sonone**, reported in (2021) 13 SCC 336 has held in paras 109 and 110 as under –

“109. The caste “Gowari” is not the same as “Gond Gowari”. The High Court could not have granted declaration of caste “Gowari” as “Gond Gowari”.

110. The High Court is not correct in its view that “Gond Gowari” shown as Item 28 in Entry 18 of Scheduled Tribes Order, 1950, is not a sub-tribe of “Gond”. The validity of caste certificate to “Gond Gowari” has to be tested on the basis of affinity test as specified in the Government Resolution dated 24-4-1985.”

8. In view of above legal position, we do not find any reason to interfere with the impugned order of Scrutiny Committee invalidating the caste claim of the petitioner as 'Gond Gowari'. Therefore, the petition fails and is dismissed.

9. Rule stands discharged. No costs.

(M.W.CHANDWANI, J)

(ROHIT B. DEO, J)