



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

**WRIT PETITION No.7199 OF 2019**

Chetan s/o. Kawaduji Shrirame,  
Aged about 23 years,  
Occupation : Student,  
R/o. Sant Ravidas Chowk,  
Vidya Nagar, Brmhapuri,  
Tah. Bramhapuri, Distt. Chandrapur. : PETITIONER

...**VERSUS**...

The Vice-Chairman/Member Secretary,  
Scheduled Tribe Caste Certificate  
Scrutiny Committee, Gadchiroli. : RESPONDENT

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Ms. Preeti Rane, Advocate for Petitioner.  
Shri D.P. Thakare, Additional Government Pleader for Respondent.  
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**CORAM : A.S.Chandurkar & Urmila Joshi-Phalke, JJ.**

**ORDER : 4<sup>th</sup> October, 2022.**

**ORAL JUDGMENT : (Per : Urmila Joshi-Phalke, J.)**

1. Heard learned counsel for the parties.
2. Rule. Rule made returnable forthwith.
3. The petitioner, who is a student claims to be "Mana"  
Scheduled Tribe. The petitioner is pursuing his further education,

therefore, his caste claim was referred for verification. To substantiate the claim petitioner relied on family tree. As per the contention of the petitioner Umi J Soma Bhau Doma is his great great grandfather recorded to be “Mana” has one son namely, Zibal who is the great grandfather of the petitioner. Said Zibal has one son Ghulba who is grandfather and said Ghulba has one son Kawadu. It is the contention of the petitioner that he had submitted several documents including cultivation Extract of the year 1921-22 shows that his great great grandfather was cultivating the land and was recorded as “Mana”. The Extract of P-9 in respect of petitioner’s great grandfather showing cultivating the land also shows that his great grandfather was also recorded as “Mana”. Thus, there are pre-constitutional entries which shows that not only the petitioner, but petitioner’s forefathers were recorded to be “Mana”. The claim of the petitioner was referred to Vigilance Committee for conducting the inquiry. The Vigilance Committee had submitted its report and by relying on the same documents mentioned in the report that great great grandfather Umi J. Soma, Zibal, Gulba, Kawadu all are recorded to be “Mana”. The entry in respect of cultivation by great great grandfather of the petitioner of the year 1921-22 showing petitioner’s forefathers are recorded to be “Mana”. The Vigilance report shows that all the

forefathers of the petitioners are recorded as a “Mana” and pre-independence document also shows the entry as a “Mana”. Thus, the Vigilance report is in favour of the petitioner. It is further contention of the petitioner that on the basis of the same documents his sister, namely, Priti has obtained the validity certificate which was issued by Gadchiroli Committee. It is contended by the petitioner that his caste claim was illegally and unauthorizedly invalidated by the Committee by assigning the reason that the petitioner had not proved affinity and also not proved his caste claim. The Caste Scrutiny Committee had not considered the validity certificate issued to the real sister of the petitioner. Thus, the order passed by the respondent-Caste Scrutiny Committee is arbitrary, illegal and liable to be set aside.

4. In response to the notice the respondent submitted that as the petitioner failed to prove the affinity with the Mana Committee, the order passed by the Caste Scrutiny Committee is justified one and no interference is called for.

5. Heard Learned Advocate Ms. Priti Rane, for the petitioner. She submitted that the Committee while invalidating the tribe claim has not considered the pre-constitutional documents. The pre-constitutional documents which were placed on record before the

Caste Scrutiny Committee by the petitioner and the same were also collected by the Vigilance Cell were also not considered by the Committee. There are consistent entries to show that the petitioner belongs to “Mana” Scheduled Tribe. She submitted that the family tree Umi J. Soma is the first ancestor who was having one son, namely, Zibal great grandfather of the petitioner. Said Zibal has one son Ghulba grandfather of the petitioner and Kawadu father of the petitioner all are recorded to be “Mana”. On the basis of same documents his sister Priti was also granted validity certificate on 1.3.2008 by the same Scrutiny Committee. Thus, pre-independence entry in the name of great great grandfather shows that great grandfather to petitioner all are recorded as “Mana”. The Vigilance Cell report is also in favour of the petitioner. There are no contrary entries against the forefathers of the petitioner. Therefore, the order passed by the Caste Scrutiny Committee invalidating the claim is illegal, arbitrary and liable to be set aside.

6. As against this, Shri D.P. Thakare, learned Additional Government Pleader submitted that the Caste Scrutiny Committee was justified in refusing to grant any validity certificate and therefore no interference is called for.

7. After hearing both parties at length and after perusing the

record maintained by the Scrutiny Committee apparently it shows that many documents placed on record by the petitioner as well as collected by the Vigilance Committee indicate consistent entries of the tribe as a “Mana”. The pre-independence entry in respect of tribe of great great grandfather of the petitioner, namely, Soma Bhau Doma was recorded in the year 1921-22. Thus, the entries in respect of forefathers especially entry in respect of great great grandfather is of pre-independence era.

8. The Caste Scrutiny Committee came to the conclusion that the petitioner could not prove his affinity with the other family members who were granted validity certificate. It is held by the Committee that the petitioner ought to have proved the customs affinity and traditions of “Mana” tribe community. It is also observed by the Committee that the caste validity certificate are issued to the blood relatives of the petitioner without following due process of law.

9. The finding recorded by the Caste Scrutiny Committee that the petitioner could not prove the affinity with the other family members. Therefore, petitioner has placed reliance on the decision of this Court in the case of **Ku. Nayan d/o. Bhaskar Chouke vs. The Scheduled Tribes Caste Scrutiny Committee, Nagpur** (Writ Petition No.491/2019), wherein this Court has considered the directions given

by the Hon'ble Apex Court in Civil Application No.5270/2004, wherein it is observed by the Hon'ble Apex Court that there was no reason for the Scrutiny Committee to have embarked upon further enquiry into the matter and questioned the validity of the claim, only on the ground that some of the relatives' caste entries in pre-constitutional documents were such as "Mane", "Manya", "Mana" and "Mana-Ku". Learned Advocate for the petitioner also placed reliance in the case of **Gajanan s/o. Pandurang Shende vs. Head-Master, Govt. Ashram School, Dongargaon Salod and others**, reported in **2018(2) Mh.L.J. 460**, wherein it is held that invalidation of caste claim of petitioner belonging to "Mana" (S.T.)- Scrutiny Committee holding that documents produced by petitioner simply indicate caste as 'Mana' and not 'Mana, Scheduled Tribe' – 'Mana community is included in entry No.18 of Constitution (Scheduled Tribes) order and it has to be read as it is, representing a class of 'Mana' as a whole – To exclude such persons from the entry 'Mana', to be recognized as Scheduled Tribe, amounts to interference, rearrangement, re-grouping or re-classifying caste 'Mana', found in Presidential Order and would be violative not only of Article 342, but also of Article 14 of Constitution. It is further held that classification of entry 'Mana' in different categories, for purpose of conferring a status as a recognized

Scheduled Tribe is artificial and without any authority and the Committee has, therefore, committed an error in rejecting claim by holding that documents produced simply indicate caste 'Mana' and not 'Mana, Scheduled Tribe'.

10. In the above case, similar issue as regards rejection of the validity granted in the family arose. In the case of **Gitesh s/o Narendra Ghormare Vs. Scheduled Tribe Certificate Scrutiny Committee**, reported in **2018 (4) Mh.L.J. 933**, wherein it is held by this Court in paragraph Nos.30 and 31 :

*"30. It is urged before us that while issuing the caste validity certificates in the names of the father and other blood relatives of the petitioner, the Police Vigilance Cell enquiry was not conducted. Rule 12(2) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003 being relevant, is reproduced below :*

*"12. Procedure to be followed by Scrutiny Committee. (2) If the Scrutiny Committee is not satisfied with the documentary evidence produced by the applicant the Scrutiny Committee shall forward the applications to the Vigilance Cell for conducting the school, home and other enquiry." It is the discretion of the Scrutiny Committee whether the claim is to be forwarded to the Vigilance Cell for conducting school, home and other enquiry. If the Scrutiny Committee is not satisfied with the documentary evidence produced, then only it can forward the documents to the Vigilance Cell. But if the Committee records its satisfaction on the basis of documentary evidence produced and issues a validity certificate, it cannot question its correctness, legality or binding nature or finality attached to it*

*under sub-section (2) of Section 7 of the Maharashtra Scheduled Castes, Scheduled Tribes, DeNotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Maharashtra Act No.XXIII of 2001) on the ground that the Police Vigilance Cell enquiry was not conducted. The Committee, in our view, was wrong in ignoring the caste validity certificates issued in the name of the father of the petitioner validating his claim for 'Mana Scheduled Tribe'.*

**31.** *This question has been dealt with by the Division Bench of this Court in the case of Apoorva d/o Vinay Nichale v. Divisional Caste Certificate Scrutiny Committee No.1 and others, reported in 2010(6) Mh.L.J. 401. Para 7 of the said decision being relevant, is reproduced below :*

*"7. 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."*

*The relevant portion in para 9 of the said decision is also reproduced below :*

*"9. ... In the circumstances, we are of the view that the committee which has expressed a doubt about the validity of caste claim of the petitioner and has described it as a mistake in its order, ought not to have arrived at a different conclusion. The matters pertaining to validity of caste have a great impact on the candidate as well as on the future generations in many matters varying from marriage to education and enjoyment, and therefore where a committee has given a finding about the validity of the 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 dealing with the subsequent caste claim to reject it. There is, however, no doubt as observed by us earlier that if a committee is of the view that the earlier certificate is obtained by fraud it would not be bound to follow the earlier caste validity certificate and is entitled to refuse the caste claim and also in addition initiate proceedings for cancellation of the earlier order. In this view of the matter, we are of the view that the petition must succeed. Rule is made absolute in above terms. The Caste Scrutiny Committee is directed to furnish the caste validity certificate to the petitioner."*

*It is not the finding of the Committee that the father of the petitioner obtained the caste validity certificate by playing a fraud or that the grant of certificate was without jurisdiction. On the contrary, the certificates indicate that the same are issued in view of the decision of the Apex Court in Civil Appeal No.5270 of 2004. A merely different view on the same facts in a subsequent case of blood relative would not entitle the Committee to reject the claim. If the Committee is permitted to alter or change its view repeatedly, it would create an anomalous situation that each of the blood relatives would be of different caste/tribe and finality attached would become redundant. In our view, therefore, the Committee ought to have validated the certificate in favour of the petitioner."*

In Writ Petition No.309/2021, decided on 20<sup>th</sup> July, 2022 this

Court held that ;

**"30.** *It is urged before us that while issuing the caste validity certificates in the names of the father and other blood relatives of the petitioner, the Police Vigilance Cell enquiry was not conducted. Rule 12(2) of the Maharashtra Scheduled Tribes (Regulation of*

*Issuance and Verification of Certificate Rules, 2003 being relevant, is reproduced below :*

***“12. Procedure to be followed by Scrutiny Committee.***

*(2) If the Scrutiny Committee is not satisfied with the documentary evidence produced by the applicant the Scrutiny Committee shall forward the applications to the Vigilance Cell for conducting the school, home and other enquiry.”*

*It is the discretion of the Scrutiny Committee whether the claim is to be forwarded to the Vigilance Cell for conducting school, home and other enquiry. If the Scrutiny Committee is not satisfied with the documentary evidence produced, then only it can forward the documents to the Vigilance Cell. But if the Committee records its satisfaction on the basis of documentary evidence produced and issues a validity certificate, it cannot question its correctness, legality or binding nature or finality attached to it under sub-section (2) of Section 7 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of Caste Certificate Act, 2000 (Maharashtra Act No.XXIII of 2001) on the ground that the Police Vigilance Cell enquiry was not conducted. The Committee, in our view, was wrong in ignoring the caste validity certificates issued in the name of the father of the petitioner validating his claim for 'Mana Scheduled Tribe'.*

***31.*** *This question has been dealt with by the Division Bench of this Court in the case of Apoorva d/o Vinay Nichale v. Divisional Caste Certificate Scrutiny Committee No.1 and others, reported in 2010(6) Mh.L.J. 401. Para 7 of the said decision being relevant, is reproduced below :*

*“7. 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.”*

*The relevant portion in para 9 of the said decision is also reproduced below :*

*“9. ... In the circumstances, we are of the view that the committee which has expressed a doubt about the validity of caste claim of the petitioner and has described it as a mistake in its order, ought not to have arrived at a different conclusion. The matters pertaining to validity of caste have a great impact on the candidate as well as on the future generations in many matters varying from marriage to education and enjoyment, and therefore where a committee has given a finding about the validity of the 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 dealing with the subsequent caste claim to reject it. There is, however, no doubt as observed by us earlier that if a committee is of the view that the earlier certificate is obtained by fraud it would not be bound to follow the earlier caste validity certificate and is entitled to refuse the caste claim and also in addition initiate proceedings for cancellation of the earlier order. In this view of the matter, we are of the view that the petition must succeed. Rule is made absolute in above terms. The Caste Scrutiny Committee is directed to furnish the caste validity certificate to the petitioner.”*

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*entitled the Committee to reject the claim. If the Committee is permitted to alter or change its view repeatedly, it would create an anomalous situation that each of the blood relatives would be of different caste/tribe and finality attached would become redundant. In our view, therefore, the Committee ought to have validated the certificate in favour of the petitioner.”*

11. In the case of *Gitesh s/o. Narendra Ghormare* (supra) validity granted in the family was not considered as a valid proof of the caste or the tribe claim for the reason that the validity granted earlier was not after the conduct of Vigilance inquiry. Dealing with this contention, the Division Bench of this Court by referring to the provisions made in Rule 12(2) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003 held that it is the discretion of the Scrutiny Committee, whether the claim is to be forwarded to the Vigilance Cell for conducting school (home) and other inquiry or not. It is further held that if the Scrutiny Committee was not satisfied with the documentary evidence produced, then only it could forward the documents to the Vigilance Cell. It further held that if the Committee recorded its satisfaction on the basis of documentary evidence produced and issued a validity certificate, no one could question the correctness or legality of the certificate or its binding nature and finality attached to it under

sub-section (2) of Section 7 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.

12. Thus, in the light of the above said judgment it is the discretion of the Scrutiny Committee whether the claim is to be forwarded to the Vigilance Cell for conducting the inquiry or not. Here in the present case the inquiry report also shows that the forefathers of the petitioners are recorded to be “Mana”. Thus, Vigilance inquiry report is also in favour of the petitioner.

13. Admittedly, in the present case validity certificate is issued to the real sister of the petitioner and thereafter also the Scrutiny Committee invalidated the claim of the petitioner on the ground of affinity. This question was also dealt with by the Division Bench of this Court in the case of **Apoorva d/o. Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others**, reported in **2010(6) Mh.L.J. 401**. Para 7 of the said decision being relevant, is reproduced below :

*“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.”*

14. Here in the present case it is not the contention of the Committee that earlier caste certificate is obtained by fraud or is granted without jurisdiction. As there is no observation that the earlier caste certificate validated is by fraud or without jurisdiction, the Committee cannot refuse to grant certificate to the petitioner. As observed above, in the present case Committee nowhere observed that the sister of the petitioner or other relatives have obtained caste validity certificate by playing fraud or that certificate was without jurisdiction. The validity certificate granted to the sister of the petitioner by the same Gadchiroli Scrutiny Committee. The respondent-Scrutiny Committee had not considered the earlier validity certificate and straightway rejected validity and refused to accept earlier validity certificate as sufficient proof of the social status of the petitioner. In the present case, we find that there is nothing on record which shows that while granting validity certificate to the sister the earlier Scrutiny Committee had not recorded its satisfaction regarding sufficiency of the documentary evidence as contemplated by Rule

12(2) of the Rules of 2012 warranting no further Vigilance inquiry in the matter. In the light of the above discussion there is no reason to accept the contention of the Scrutiny Committee that the validity certificate produced on record as a proof of the tribe Claim of the petitioner does not constitute any conclusive evidence for recording a finding as regards social status of the petitioner. The validity certificate granted earlier to the real sister of the petitioner will have to be treated as conclusive proof to issue validity certificate to the petitioner. In fact, a single entry which is of pre-independence era also shows that the predecessor of the petitioner was recorded as a “Mana”.

15. In the light of the above discussion, we find that the finding of the Committee is erroneous and liable to be set aside. Hence, we proceed to pass following order :

**ORDER**

- (i) Writ Petition is allowed.
- (ii) The order passed by the Scrutiny Committee, Gadchiroli dated 30.1.2018 invalidating the tribe claim of the petitioner is set aside.
- (iii) The Scrutiny Committee shall within a period of four weeks of receiving of the copy of this

judgment issue validity certificate to the  
petitioner.

16. Rule is made absolute in the abovesaid terms. No order as  
to costs.

(Urmila Joshi-Phalke, J.)

(A.S.Chandurkar, J.)

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