



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

**WRIT PETITION NO. 4018 OF 2019**

Pranay Dhanraj Gaikwad (Aged about 21 Years),  
Occupation: Student - 3<sup>rd</sup> Year B.Sc. Agriculture,  
C/o. Dhanraj Kuksu Gayakwad, At Post - Paharni,  
Tah. Nagbhid, Distt. Chandrapur - 441 205 ....**PETITIONER**

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

1. The Scheduled Tribe Certificate Scrutiny Committee,  
Gadchiroli,  
Through its Member Secretary,  
Campus Area, Gadchiroli-442605

2. State of Maharashtra,  
Through its Principal Secretary,  
Tribal Development Department,  
Mantralaya Extension,  
Madam Kama Road, Mumbai, Maharashtra-400 032.

3. College of Agricultural, Sonapur,  
Through its Principal,  
At Post Sonapur, Gadchiroli-442605

....**RESPONDENTS**

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Shri S.P.Khare, Advocate for petitioner.  
Shri N.R.Patil, AGP for respondent nos. 1 and 2/State.  
Shri Abhay Sambre, Advocate for respondent no. 3.

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**CORAM :** **AVINASH G. GHAROTE AND**  
**SMT. M.S. JAWALKAR, JJ.**

**DATE OF RESERVING THE JUDGMENT:** **10/09/2024**  
**DATE OF PRONOUNCING THE JUDGMENT :** **23/09/2024**

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

**Rule.** Rule made returnable forthwith.

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

3. Being aggrieved by the order dated 20/08/2018 passed by the respondent no. 1 - Scheduled Tribe Certificate Scrutiny Committee, Gadchiroli (in short, 'the Scrutiny Committee'), thereby invalidating the caste claim of the petitioner for 'Mana' Scheduled Tribe Category, the petitioner has filed the present petition.

4. It is submitted that, on 10/07/2014, the petitioner obtained his tribe certificate towards 'Mana' Scheduled Tribe. On 01/02/2016, the petitioner had filed application for validity of his caste claim, while studying in 12<sup>th</sup> Standard and thereafter, in the year 2016-17, the petitioner secured admission to B.Sc. Course at respondent no. 3-College. The respondent no. 1 - Scrutiny Committee received complete vigilance report in the petitioner's case. On 27/07/2018, the

respondent served “Show Cause cum Hearing Notice” upon the petitioner along with the report of findings of its Vigilance Cell. Thereafter, the petitioner filed his reply to the respondent no. 1 – Scrutiny Committee on the report from vigilance cell with validity in the family. Finally, upon hearing, the respondent no. 1- Scrutiny Committee passed the impugned order, whereby the tribe claim of the petitioner was rejected.

5. The petitioner had submitted the following old document prior to cut of date i.e. 06/09/1950:-

Name	Relation	Document	Date of document	Caste
Kukasu S/o. Laxman	Grandfather	P-1	1921-22	Mana

6. The learned counsel for the petitioner relied on the following authorities/citations:-

*(i) Mana Adim Jamat Mandal V/s. State of Maharashtra and ors. [2003(3) Mh.Lj 513]*

*(ii) Apoorva Vinay Nichale V/s. Divisional Caste Certificate Scrutiny Committee [2010(6) Mh.L.J. 401]*

7. We have heard both the parties at length. Perused the record and proceedings of the Scrutiny Committee placed on record by the learned AGP.

8. The oldest entry appears to be in revenue record is of Kukasu S/o. Laxman whose caste is shown as 'Mana' in the year 1921-22. It is the contention of the Scrutiny Committee that, this entry of P-1 is different and for that reason, if page 166 of record is seen, there are two documents annexed with it, one is at page 168 and second is at page 169. The serial number of the entry is showing name as 'Domdya Bhau Kanya S/o. Gosai Mana'. The document produced by the petitioner is a certified copy, issued by the same office. Even if, this entry is kept aside, there are consistent entries of 'Mana' in the school record of the persons related from the paternal side of the petitioner. It is not disputed by the Scrutiny Committee also.

9. Moreover, the petitioner further submitted that, at the time of final hearing, he also produced validity certificate dated 10/06/20210 is granted to his cousin uncle namely Mr.

Subhash Ganpat Gayakwad, however, it appears that, it was not considered by the Scrutiny Committee. The said validity certificate is produced at Annexure-VI/page 55 of the petition.

10. If the genealogy at page 77 of the record of the Scrutiny Committee is perused, the name of Subhash Ganpat Gayakwad is appearing. The petitioner also secured the document prior to 1950 i.e. in respect of birth record of eldest sibling of the petitioner's father namely Shevanta of the year 1949. However, this document is not legible. In view of these documents, specifically the validity certificate issued in favour of Subhash Ganpat Gayakwad, the Caste Scrutiny Committee ought to have validated the tribe claim of the petitioner.

11. The learned counsel for the petitioner relied on *Mana Adim Jamat Mandal* (supra) wherein in para 27, it is held as under:-

*"27. In the result, in view of the foregoing discussion, petition is allowed. The State Government is directed to grant to all members*

*of Mana community the benefits due to Scheduled Tribes included in the Scheduled to the Scheduled Tribes Order as amended upto date and issue to them caste certificates accordingly. Government Resolution dated 24-4-1985, 19-6-1985 and 15-6-1995 stand quashed and set aside so far as the Mana community is concerned."*

12. The learned counsel for the petitioner also relied on *Apoorva Vinay Nichale* (supra) wherein this Court held as under:-

*"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."*

13. The area restriction is removed in the year 1976 and even 'Mana' entry in Other Backward Class is deleted by the Government vide Government Resolution (G.R.) dated

02/06/2004 as it is already in Scheduled Tribe. On the backdrop of these facts and circumstances, the order passed by the Scrutiny Committee appears to be erroneous and there was no reason to reject the claim of the petitioner.

14. The Scrutiny Committee went on discussing what is the history pertaining to this community and how many tribe claims are rejected but failed to take into consideration that for these reasons genuine tribe claims cannot be rejected. Each case has to be tested on its facts and circumstances. Once the tribe is mentioned as 'Mana' and such documents are available on record, the affinity test loses its significance. It is only for the corroboration. One cannot read any other tribe, when there is specific mention of 'Mana' in the said entry. The Scrutiny Committee has not even discussed the validity in favour of Subhash Ganpat Gayakwad. As such the order passed by the Scrutiny Committee is liable to be quashed and set aside. Accordingly, we proceed to pass the following order:-

**ORDER**

- i) The Writ Petition is allowed.
- ii) The order dated 20/08/2018 passed by the respondent no. 1 - the Scheduled Tribe Caste Certificate Scrutiny Committee, Gadchiroli in the matter of the petitioner -Pranay Dhanraj Gaikwad, in Case No. सहआ/अजप्रतस/गड/I/५१/३४/२०१६ is hereby quashed and set aside.
- iii) It is held that the petitioner duly established that he belongs to the Scheduled Tribe 'Mana' as included in Entry No. 18 of the Constitution (Scheduled Tribes) Order, 1950.
- iv) The respondent no. 1 - the Scheduled Tribe Caste Certificate Scrutiny Committee, Gadchiroli is hereby directed to issue validity certificate to the petitioner of Scheduled Tribe 'Mana' within a period of four weeks.
- v) By that time this judgment should be treated as certificate.

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

**(Judge)**

**(Judge)**

B.T.Khapekar