

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

**WRIT PETITION 1935 OF 2022**

Dhananjay S/o. Manik Randhaye,  
Aged about 27 years, Occ. Education,  
R/o. Minthur, Post-Navegaon Pandav,  
Tah. Nagbhid, District- Chandrapur.

**... PETITIONER**

**// VERSUS //**

The Scheduled Tribe Caste Certificate  
Scrutiny Committee, Gadchiroli,  
Division Nagpur, through its Member,  
Secretary, Gadchiroli, Tq. & District- Gadchiroli.

**... RESPONDENT**

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Shri M. V. Bhute, Advocate for petitioner.  
Smt. K. R. Deshpande, AGP for respondent/State.  
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**CORAM :-** ROHIT B. DEO &  
M. W. CHANDWANI, JJ.

**DATED :-** 13.06.2023

**JUDGMENT (PER: M. W. CHANDWANI, J.):**-

Heard.

2. **Rule.** Rule made returnable forthwith. With consent of the  
the parties heard finally.

3. The petition challenges the order dated 06.02.2014 passed  
by the Scheduled Tribe Caste Certificate Scrutiny Committee,

Gadchiroli (for short, “the Scrutiny Committee”) invalidating the caste claim of the petitioner.

4. The petitioner claims his caste as “Mana”, which is included in Scheduled Tribe category in the State of Maharashtra. The petitioner is a student and was in need of caste validity certificate to pursue higher education therefore, he applied through Camp Education Society’s Junior College, Pune to the Scrutiny Committee for verification of his tribe claim as “Mana” Scheduled Tribe. The petitioner submitted all documents including pre-independence document to the Scrutiny Committee. The Scrutiny Committee after verifying the documents and relying on the vigilance report invalidated the caste certificate issued by the Sub-Divisional Officer, mainly on the ground that the petitioner could not passed affinity test and the affinity does not match with “Mana” Scheduled Tribe and vide order dated 06.02.2014 rejected the caste claim of the petitioner, which is challenged in this petition.

5. Shri M. V. Bhute, learned counsel for the petitioner and Smt. K. R. Deshpande, learned Assistant Government Pleader for respondent/State. Perused the record of caste validity proposal No. JC/TCSC/GAD/I-03/34/2012.

6. Perusal of the order as well as record reveals that the petitioner had submitted as much as seven documents to the Scrutiny Committee. Out of all these document, in six documents, caste of the petitioner, his father, grandfather and relatives is shown as “Mana”. In one of the document, the caste is not mentioned. One of the reason for invalidating the caste certificate given by the Scrutiny Committee is that in the record of primary school, secondary school and junior college, the caste of the petitioner is shown as “Hindu Adivasi Mana”. It is to be noted here that though the caste of the petitioner in the record of primary school, secondary school and junior college is written as “Hindu Adivasi Mana” but, this is not a contra entry to the caste “Mana”. The “Hindu Adivasi Mana” can be read in furtherance of the caste “Mana”. Perusal of the record show that even the applicant has produced pre-independence documents i.e. extract of school admission register of his grandfather- Rama Soma, which is dated 01.03.1938 wherein the caste of Rama Soma- grandfather of the petitioner is mentioned as “Mana”. The said extract of school admission register is a pre-independence document, which has a great probative value but, the Scrutiny Committee did not consider this aspect. There is no reason for the Scrutiny Committee to disbelieve the documents and to invalidate the caste claim on this ground.

7. In present case, the Scrutiny Committee solely relied on the affinity test conducted by the Vigilance Cell and came to the conclusion that affinity test does not match with claim of the applicant as “Mana”. It does not stand for the reason that there is no contra entry to the caste “Mana” in any of the documents filed by the petitioner rather pre-independence documents of the year 1938 establishes that caste of grandfather of the petitioner was “Mana”. Since there was no contra entries in the document, there was no reason to deny the validity on the ground of affinity test.

8. It will be relevant to mention here the decision of the Hon’ble Supreme Court in the case of ***Maharashtra Adiwasi Jamat Swarakshan Samiti Vs. State of Maharashtra [(2023) 2 Mh.L.J. 785]***, wherein the Hon’ble Supreme Court has held that affinity test is not a litmus test to decide the caste claim and is not an essential part of the process of determination of the correctness of the caste or tribe claim in every case.

9. As far as, invalidation on the ground of place of residence is concerned, no doubt the area restriction was lifted but the factum of migration of forefathers of the petitioner is to be proved. However, the case in hand is not a case where the petitioner resides in remote area from the place where “Mana” community were found initially. The

Scrutiny Committee in its order has mentioned that Gadchiroli, Sironcha Tahsils of Chanda District is the place where people of this caste were initially residing. The applicant being resident of Chanda District comprising of the earlier Tahsil Sironcha, Gadchiroli, which is now part of Gadchiroli District, where this community was found, therefore, the order of invalidation of the caste claim of the applicant on this ground is not sustainable, particularly when no enquiry has been conducted in this regard by the Vigilance Cell.

10. To conclude, the order dated 06.02.2014 passed by the Scrutiny Committee invalidating caste certificate on the ground of the “Hindu Adivasi Mana” mentioned in the documents of the applicant; affinity test; and area restriction, does not stand and therefore, required to be set aside.

11. The Writ Petition is accordingly allowed.

12. The order No. JC/TCSC/GAD/I-03/34/2012, dated 06.02.2014 passed by the Scrutiny Committee is hereby quashed and set aside.

13. It is declared that the applicant belongs to “Mana” Scheduled Tribe and the Scrutiny Committee is hereby directed to

issue caste validity certificate to the petitioner within four weeks from the date of receipt of this order.

14. Rule is made absolute in the above term. No costs.

(M. W. CHANDWANI, J.)

(ROHIT B. DEO, J.)

*RR Jaiswal*