



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

WRIT PETITION NO.2890/2022

Mr. Pitambar S/o Raju Nannaware,
aged about 23 Yrs., Occ. Education,
R/o Ward No.1, Post Rajoli,
Tah. Mul, District Chandrapur.

... Petitioner

- Versus -

1. The Scheduled Tribe Caste
Certificate Scrutiny Committee,
Gadchiroli, through its Deputy
Director and Member Secretary,
Complex Area near Z.P. School,
Gadchiroli, Dist. Gadchiroli.

2. Principal, Gurunanak Institute
of Engineering and Technology,
Kalmeshwar Road, Nagpur,
Dist. Nagpur.

... Respondents

Mr. Ananta Ramteke, Counsel for the Petitioner.
Ms. K.R. Deshpande, A.G.P. for Respondent No.1.

CORAM :- SMT. ANUJA PRABHUDESAI &
MRS. VRUSHALI V. JOSHI, JJ.

DATED :- 18.12.2023

JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith. Heard
finally by consent.

2. By the present petition the petitioner seeks quashing
and setting aside the order dated 24.8.2018 and direct the

respondent No.2 to allow the petitioner to continue his studies without insisting upon caste validity certificate and further direct to allow the petitioner to appear in examination and declare his result and further direct respondent No.1 to issue caste validity certificate to the petitioner.

3. The petitioner belongs to Mana caste which is recognized as Scheduled Tribe in the Constitutional Order, 1976 at serial No.18. While rejecting the claim of the petitioner, the Committee observed that the documents at serial Nos.4 to 8, 12 to 14 and 17 which are of 1951 to 2016 wherein the entry is of Mana caste is recorded. It is also mentioned by the Committee that the Kotwal Panji of petitioner's great-grandfather of year 1926 is of Mana but it cannot be considered as it is not specifically mentioned therein as Mana Scheduled Tribe. The Committee has not disputed the documents of Mana entries but the claim is rejected only on the ground that it is not specifically mentioned as Mana Scheduled Tribe and, therefore, along with the ground of affinity test the caste claim of the petitioner is rejected.

4. It is observed by the Scrutiny Committee that in Vidarbha region there is Mana caste which does not belong to Scheduled Tribe and is agriculturist by profession. Their population is vast. They try to take benefit of reservation of Scheduled Tribe by having entry in their documentary evidence of Mana, Mane, Mani, Mani Kunbi, Mana Kunbi etc. who do not belong to Scheduled Tribe.

5. On perusal of the documents filed by the petitioner it appears that all the documents are of only Mana entry and nothing is there to disbelieve the said documents. On the other hand the Committee has not disputed the Mana entry. In reply the respondent has stated that two documents of 1960-1961 and 1954-1955 in which caste is not mentioned. At the same time the entry of 1926 as Mana is admitted who is father of said two persons whose caste is not mentioned. However, the Kotwal Panji shows that the caste of great-grandfather Rushi is mentioned. Though there is no adverse entry the Scrutiny Committee has rejected the documents and invalidated the caste claim on the ground that the documents have not proved, the

caste Mana and the affinity test is also not fulfilled by the petitioner.

6. Insofar as the aspect of affinity is concerned, this issue has now been decided by the Hon'ble Supreme Court in its decision in Maharashtra Adiwasī Thakur Jamat Swarakshan Samiti V/s. State of Maharashtra and others reported in **2023(2) Mh.L.J. 785**. It has been held therein that report of the Vigilance Cell cannot be treated as a litmus test. The entire material on record has to be considered while verifying the tribe claim of a candidate.

7. Considering the documents which are of Mana caste it is established that the petitioner belongs to Mana Scheduled Tribe. Hence the order passed by the Scrutiny Committee is set aside. The Scrutiny Committee shall issue validity certificate of Mana Scheduled Tribe to the petitioner within a period of six weeks from the date of this judgment.

Rule is made absolute in the above terms. There shall be no orders as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(SMT. ANUJA PRABHUDESAI, J.)

Tambaskar.