



2026:CGHC:8607



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 2927 of 2011**

Shankar Kumar Sonwani, S/o Late Shri Mehettar Ram Sonwani, aged about 54 years, Manager, Chhattisgarh State Industrial Development Corporation Limited, Pandri, Raipur, Permanent Resident of village – Lamkeni. Post - Khorpa, PS-Abhanpur, District - Raipur (CG), Presently resident of D-78, Guru Ghasidas Colony, New Rajendra Nagar, Raipur, District - Raipur (CHHATTISGARH)

... Petitioner**-Versus-**

1. State of Chhattisgarh Through Secretary, Department of Scheduled Caste/Scheduled Tribes Welfare, DKS Bhawan, Mantralaya, Raipur (CHHATTISGARH)

2. Jati Praman Patra Uchha Stariya Chhanbin Samiti, Adim Jati Anusandhan evam Prashikshan Kendra, Pt. Deendayal Upadhayay Nagar, Sector - 4, Raipur (CG)-492010

3. Chhattisgarh State Industrial Development Corporation, Through its Managing Director, Pandri, Raipur, District - Raipur (CG)

...Respondents**WPC No. 633 of 2012**

Mrigendra Jyoti Sonwani, son of Shri Shankar Sonwani, aged about 27 years, resident of D-78. Guru Ghasidas Colony, New Rajendra Nagar, Raipur (CG)

... Petitioner**-Versus-**



1. State of Chhattisgarh, through the Secretary, Scheduled Caste and Scheduled Tribes Welfare Department, Govt. of C.G., D.K.S. Bhawan, Raipur.

2. High Level Caste Certificate Scrutiny Committee, Scheduled Tribes Investigation & Training Centre, through its Member & Joint Director, Dindayal Nagar, Upadhyay Nagar, Sector-4, Raipur.

... Respondents

(Cause title taken from Case Information System)

For Petitioner	:	Mr. Aditya Dhar Diwan, Advocate
For Respondents/State	:	Ms. Supriya Upasane, Govt. Advocate and Mr. Ashutosh Trivedi, Panel Lawyer
For Respondent/CSIDC	:	Mr. Ayaz Naved, Advocate

Hon'ble Shri Justice Ravindra Kumar Agrawal

Order on Board

17/02/2026

1. Since both these writ petitions arise out of substantially similar facts and involve an identical question of law relating to the determination of caste status and validity of orders passed by the High-Level Caste Scrutiny Committee, they were heard analogously and are being decided by this common order.
2. Writ Petition (S) No. 2927 of 2011 has been preferred by the petitioner challenging the legality and validity of the order dated 02.05.2011, communicated vide letter dated 11.05.2011, whereby the Scrutiny Committee has held that the petitioner does not belong to Scheduled Caste (Satnami) and has wrongly availed such status, whereas Writ Petition (C) No. 633 of 2012 has been filed by the petitioner therein assailing the order dated 22.11.2011 (communicated on 26.11.2011)



passed by the same authority, cancelling his caste certificate of Satnami caste on similar grounds. As the controversy in both the petitions centers around the correctness of the findings recorded by the Scrutiny Committee, the applicability of the principles laid down by the Hon'ble Supreme Court in caste verification matters, and alleged violation of principles of natural justice, both the matters are being adjudicated together for the sake of convenience and to avoid conflicting findings.

Facts in Writ Petition (S) No. 2927 of 2011

3. The petitioner was appointed on 10.11.1987 in Madhya Pradesh Laghu Udyog Nigam Limited (now Chhattisgarh State Industrial Development Corporation) after applying on 23.02.1987, wherein he had declared his caste as Satnami (Harijan). The appointment order did not stipulate that the appointment was made against any post reserved for Scheduled Caste.

The petitioner's case is that though his father was originally born in Gond tribe, he was excommunicated from the Gond community due to his relationship with a Satnami woman (mother of the petitioner). Thereafter, his father adopted Satnam Panth, started living as a Satnami, and completely relinquished the customs, traditions, and social ties of the Gond community. Consequently, the petitioner, his siblings, and family members have always been treated and have lived as members of the Satnami community. The petitioner consistently declared himself as Satnami in all official and personal records. His caste certificate dated 19.05.1976 records him as Satnami (Scheduled



Caste). School records, transfer certificates, mark-sheets, and other documents also reflect his caste as Satnami. His elder brother's records and other family documents similarly record the family as Satnami.

In the year 2006, a complaint was made questioning the caste status of the petitioner; however, the said complaint was rejected by the authorities on 30.10.2006 for want of substantiation. Subsequently, the matter was referred to the Caste Scrutiny Committee. The proceedings were primarily based on a vigilance report dated 21.02.2011 and related materials. The vigilance report opined that since the petitioner's father was originally a Gond and Gond society is patriarchal, the petitioner would inherit the caste of his father and therefore be treated as Scheduled Tribe (Gond), and not Scheduled Caste (Satnami).

The petitioner was issued show cause notices dated 17.03.2011 and 30.04.2011. He submitted his replies along with supporting documents, asserting that his father had been excommunicated from the Gond community and had adopted Satnam Panth long before the petitioner's birth, and that the family had since been living as Satnamis. The petitioner also relied upon the report of the Superintendent of Police dated 27.10.2009, which supported his case by recording that the children born from the petitioner's mother (a Satnami woman) were following Satnam Panth and were treated as Satnamis, whereas children from the earlier marriage followed Gond customs.

Despite the material placed on record, the Scrutiny Committee, by order dated 02.05.2011 (communicated on 11.05.2011), held that the



petitioner had wrongly taken benefit of Scheduled Caste status and declared him to be belonging to Gond (Scheduled Tribe). Aggrieved by the said order, the petitioner has filed the present writ petition challenging the impugned order as being illegal, arbitrary, and contrary to the evidence on record as well as settled principles of law.

Facts in Writ Petition (C) No. 633 of 2012

4. The petitioner in this writ petition is the son of the petitioner in the earlier writ petition. He claims to belong to Satnami caste and was issued a caste certificate dated 08.10.2004 by the competent authority recognizing him as a member of Scheduled Caste. The petitioner applied for verification of his caste certificate before the Scrutiny Committee in connection with his employment prospects, particularly for appointment to the post of Engineer.

As the Scrutiny Committee did not decide his case within reasonable time, the petitioner approached this Court by filing W.P. (C) No. 3523 of 2011, wherein this Court, by order dated 04.07.2011, directed the Committee to decide the petitioner's case expeditiously. Despite repeated representations, no decision was taken, compelling the petitioner to initiate contempt proceedings. Thereafter, the Scrutiny Committee passed the impugned order dated 22.11.2011 (communicated on 26.11.2011), cancelling the petitioner's caste certificate.

The principal basis for cancellation of the petitioner's caste certificate was the finding recorded in respect of his father, holding that



the father does not belong to Satnami caste. The Committee relied upon the vigilance report dated 09.09.2011 without affording adequate opportunity to the petitioner to rebut the same. The petitioner contends that no proper opportunity of hearing was granted, the vigilance report was not duly supplied in advance, and the mandatory procedure laid down by the Hon'ble Supreme Court in ***Kumari Madhuri Patil v. Additional Commissioner, Tribal Development***, (1994) 6 SCC 241 was not followed.

The petitioner further asserts that his family has been following Satnam Panth for generations; their customs, rituals, deities, marriages, and social practices are entirely aligned with the Satnami community. He also contends that even if his ancestors originally belonged to Gond tribe, they had long ago severed ties with that community and were fully assimilated into the Satnami community. It is also the petitioner's case that the Scrutiny Committee failed to consider relevant anthropological and sociological factors such as customs, traditions, and social acceptance, and instead mechanically relied upon lineage, thereby arriving at an erroneous conclusion.

Being aggrieved by the impugned order cancelling his caste certificate, the respective petitioners has preferred the present writ petitions seeking quashment of the order and restoration of his caste status.

5. Learned counsel for the petitioner submits that the impugned order passed by the Scrutiny Committee is ex facie illegal and contrary to the



settled principles of law, having been rendered in gross violation of the principles of natural justice. The petitioner was not afforded a meaningful and effective opportunity of hearing, as contemplated under law, nor was he permitted to adequately present his case or rebut the material relied upon against him. In particular, the vigilance report, which constitutes the foundation of the adverse findings, was not furnished to the petitioner in advance, thereby causing serious prejudice to his defence. It is further contended that the procedure mandatorily prescribed by the Hon'ble Supreme Court in **Madhuri Patil's** case (supra), including proper notice, supply of relevant documents, and fair consideration of evidence, has not been adhered to, vitiating the entire decision-making process and rendering the impugned order unsustainable.

He would further submit that the Scrutiny Committee has failed to appreciate the matter in its proper perspective by overlooking crucial anthropological, ethnological, and sociological factors, which are required to be considered in such cases. It is further submitted that the petitioners and their forefathers have, for generations, been professing and following the Satnam Panth, and their customs, traditions, deities, marriage practices, and social conduct are wholly aligned with the Satnami community. Even assuming, without admitting, that the petitioner's ancestors were originally from the Gond tribe, it is submitted that they had long ago severed all social and cultural ties with the said tribe and stood fully assimilated into the Satnami community. The Committee, however, has mechanically relied upon lineage and certain entries in documents, without examining the aspect of social acceptance and lived realities, which is a vital test recognized in law, thereby arriving



at a perverse and legally untenable conclusion. Therefore, the impugned orders may be set aside.

6. On the other hand, learned counsel appearing for the State would submit that, the present writ petitions are devoid of merit and deserve to be dismissed, as the impugned orders have been passed by the High Power Caste Scrutiny Committee, a duly constituted quasi-judicial authority, strictly in accordance with the law laid down by the Hon'ble Supreme Court. The Committee has conducted a detailed enquiry through the Vigilance Cell, considered all relevant materials, issued show cause notices, and afforded adequate opportunity of hearing to the petitioners. The findings recorded are findings of fact based on evidence, and therefore, this Hon'ble Court, in exercise of its limited jurisdiction under Article 226, ought not to interfere unless the findings are shown to be perverse or illegal, which is not the case here.

It is further submitted that the core issue involved in the present case relates to determination of caste status, which is governed by well-settled principles of law. It is an established legal position that caste is determined by birth, and in a patriarchal social structure, a child ordinarily inherits the caste of his father. The Hon'ble Supreme Court has consistently held, including in ***Punit Rai vs. Dinesh Chaudhary and Anjan Kumar vs. Union of India***, (2003) 8 SCC 204, that even in cases of inter-caste marriage, the caste of the child follows that of the father unless exceptional circumstances are proved. In the present case, it is an admitted fact that the father of the petitioner was born in Gond community, which is a Scheduled Tribe. Therefore, the claim of the



petitioner that he belongs to Satnami caste (Scheduled Caste) is contrary to settled legal principles.

The attempt of the petitioners to base their claim on the alleged adoption of Satnam Panth by their forefathers is wholly untenable in law. It is submitted that caste, for the purpose of availing reservation benefits under the Constitution, is not a matter of choice or subsequent adoption. Mere acceptance of a particular faith, religious practice, or sect does not result in change of caste. The constitutional scheme recognizes only those castes which are notified, and such status can neither be assumed nor acquired by conversion or social conduct. Therefore, the claim that the petitioners became Satnami by following Satnam Panth deserves outright rejection.

It is also pertinent to submit that the findings recorded by the Caste Scrutiny Committee are supported by cogent documentary evidence collected during vigilance enquiry. The revenue records of the year 1929–30 clearly record the caste of the petitioners' forefathers as Gond. Similarly, school records initially reflected Gond caste, which were later altered. The Vigilance Cell, after conducting a thorough local enquiry and examining relevant records and witnesses, concluded that the claim of Satnami caste is not by birth but is a subsequent development. Such findings, based on primary documentary evidence, carry great evidentiary value and cannot be lightly disregarded.

The allegation of violation of principles of natural justice is also without any basis. The records clearly indicate that show cause notices



were issued, the vigilance report was supplied, and opportunities of personal hearing were granted. In fact, in one of the petitions, despite being given opportunity, the petitioner failed to effectively participate in the proceedings. Therefore, it cannot be said that there has been any denial of fair hearing or violation of *audi alteram partem*.

In light of the aforesaid submissions, it is respectfully submitted that the writ petitions lack merit, the impugned orders are legal and justified, and no interference is called for under Article 226 of the Constitution of India. Accordingly, both the petitions deserve to be dismissed.

7. Learned counsel appearing for the respondent/CSIDC would submit that, the answering respondent No. 3, namely Chhattisgarh State Industrial Development Corporation (CSIDC), has no independent role in the controversy involved in the present writ petitions, which essentially pertains to determination of caste status by the competent authority. The dispute raised by the petitioners is primarily against the findings recorded by the Caste Scrutiny Committee, and therefore, no cause of action, as such, arises against the answering respondent.

It is respectfully submitted that any action taken by the answering respondent, if at all, is purely consequential in nature and based upon the decision of the Caste Scrutiny Committee. The employer cannot be expected to question or re-examine the correctness of such findings, nor can it act contrary to the determination made by the competent authority. Thus, no illegality or arbitrariness can be attributed to the answering



respondent in complying with the said decision.

In respect of the connected writ petition, it is submitted that the position remains the same, inasmuch as the answering respondent would be bound by the determination of caste status made by the competent authority and has no independent role in adjudicating such claim.

In view of the aforesaid submissions, it is most respectfully submitted that no relief is made out against respondent No. 3, and the answering respondent deserves to be discharged from the present proceedings.

8. I have heard learned counsel for the parties and perused the documents annexed in both the petitions.
9. Having heard learned counsel for the parties at length and on perusal of the record, this Court finds that the controversy involved in the present writ petitions pertains to the correctness of the determination of caste status of the petitioners by the High Level Caste Scrutiny Committee. It is not in dispute that the Scrutiny Committee is the competent authority to adjudicate upon such issues; however, the manner in which the enquiry has been conducted and the conclusions have been arrived at assume significance in the present case.
10. From the material available on record, it appears that though the Scrutiny Committee has relied upon the vigilance report and certain documentary evidence, the petitioners have raised a specific grievance



that all relevant materials were not supplied to them and adequate opportunity to effectively rebut the same and to adduce evidence in support of their claim was not afforded. The requirement of adherence to the principles of natural justice, particularly the rule of *audi alteram partem*, is of paramount importance in proceedings of this nature, where determination of social status has serious civil consequences.

11. This Court further finds that the issue involved is not merely confined to documentary lineage but also requires a holistic consideration of relevant factors, as contemplated in the judgments of the Hon'ble Supreme Court, including proper evaluation of vigilance enquiry, documentary records, and other permissible evidence. In such circumstances, any determination made without affording full and effective opportunity to the claimant would not sustain in the eyes of law.
12. It is well settled by the Hon'ble Supreme Court in ***Madhuri Patil*** (supra) that the process of verification of caste claims must strictly adhere to the procedural safeguards laid down therein. The Apex Court has mandated constitution of a Vigilance Cell, proper investigation into social status, and, most importantly, supply of the vigilance report to the claimant along with an opportunity to rebut the same. In the present case, from the record it prima facie appears that though reliance has been placed on vigilance reports, the petitioners have raised a specific grievance regarding non-supply of complete material and lack of effective opportunity to controvert the same. Any deviation from the procedure prescribed in ***Madhuri Patil*** (supra) vitiates the enquiry.



13. The Hon'ble Supreme Court in ***Director of Tribal Welfare, Government of A.P. v. Laveti Giri***, (1995) 4 SCC 32 has held that the burden of establishing caste status lies upon the claimant; however, such determination must be based on proper appreciation of evidence, including pre-constitutional documents, affinity test, and surrounding circumstances. It has further been emphasized that the Scrutiny Committee is required to consider the entirety of evidence in a judicious manner. In the present case, whether such holistic consideration has been undertaken or not can only be effectively examined after affording full opportunity to the petitioners.
14. In ***Anand v. Committee for Scrutiny and Verification of Tribe Claims***, (2012) 1 SCC 113 the Hon'ble Supreme Court has reiterated that while documentary evidence holds primacy, the affinity test relating to customs, traditions, rituals, and social traits also plays a relevant role, particularly where documentary evidence is inconclusive or disputed. The Court cautioned that such tests should not be applied mechanically but require careful and balanced evaluation. In the present case, the petitioners have specifically relied upon their social assimilation, customs, and practices, which, in the opinion of this Court, required due consideration by the Scrutiny Committee.
15. It is trite law that any enquiry having serious civil consequences must conform to the principles of natural justice. The Hon'ble Supreme Court in ***Ayaubkhan Noorkhan Pathan v. State of Maharashtra***, (2013) 4 SCC 465 has held that denial of reasonable opportunity to present one's case or to rebut adverse material renders the decision vulnerable in law.



In proceedings relating to caste verification, which have far-reaching implications on civil rights and status, strict adherence to such principles is indispensable.

16. Another aspect which requires consideration is that subsequent to the impugned orders, the State of Chhattisgarh has enacted a statutory framework governing the field, namely the *Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Act, 2013* (hereinafter referred to as “the Act, 2013”), which specifically provides for the procedure to be followed in matters relating to verification and determination of caste status. The said enactment codifies the procedure and safeguards to be observed during enquiry. Therefore, it would be appropriate that the competent authority undertakes the exercise afresh in consonance with the provisions of the said Act, 2013, as well as the principles laid down by the Hon’ble Supreme Court.
17. In view of the aforesaid, this Court is of the considered opinion that the matter requires reconsideration by the High Level Caste Scrutiny Committee, so as to ensure that the petitioners are granted full and fair opportunity and that the issue is adjudicated strictly in accordance with law.
18. Accordingly, without expressing any opinion on the merits of the case, both the writ petitions are **allowed** and the impugned order dated 02.05.2011 (in WPS No. 2927 of 2011) and order dated 22.11.2011 (WPC No. 633 of 2012) are hereby **set aside** and the matter is remitted



back to the High Level Caste Scrutiny Committee to decide the case of the petitioners afresh, in accordance with law, after granting proper and adequate opportunity of hearing to the petitioners, including supply of all relevant materials and permitting them to adduce such evidence as may be permissible in law. The Committee shall also be at liberty to follow the procedure as prescribed under the *Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Act, 2013* while conducting the enquiry.

19. It is expected that the Committee shall complete the said exercise expeditiously. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

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