

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3174 OF 2021

Saurabh S/o Kamlakant Hedau,
Aged about 24 Years, Occ. Service,
R/o Saramaspura, Achalpur, District
Amravati.

...PETITIONER

VERSUS

1. State of Maharashtra
Through its Secretary,
Department of Education
Mantralaya, Mumbai-400032.
2. The Scheduled Tribes Caste
Certificate Scrutiny Committee,
Amravati, Sane House, Old Bye
Pass Road, Chaparashipura,
Amravati-444602 through its Member
Secretary & Deputy Director, Amravati
3. Government College of Engineering,
Through its Principal, National Highway
No. 6, Jalgaon - 425002.
4. The Director of Technical Education 3,
Mahapalika Marg, Mumbai-400 001.

...RESPONDENTS

Shri Ashwin Deshpande, Advocate for petitioner
Shri N.R. Patil, Advocate for respondent/State

CORAM : **SMT. M.S. JAWALKAR AND**
NANDESH S. DESHPANDE, JJ.



RESERVED ON : 15.04.2026
PRONOUNCED ON : 06.05.2026

JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the Learned Counsel for the parties.
3. The Petitioner, by this instant petition, seeks to challenge the order dated 30.04.2021, passed by the Respondent No. 2 - the Scheduled Tribes Caste Scrutiny Committee, Amravati, (hereinafter referred to as "the Committee"), thereby invalidating the caste claim of the petitioner belonging to the 'Halbi' Scheduled Tribe Category which is enlisted at entry No. 19 in the Constitutional Scheduled Tribe Order, 1950. By the said order, the Committee further cancelled and confiscated the caste certificate dated 13.07.2016 issued by the Sub-Divisional Officer, Achalpur, in favour of the present petitioner.
4. Facts as emerging from the petition are as under:



(a) The petitioner was issued a caste certificate of 'Halbi' Scheduled Tribe by the competent authority on 13.07.2016. The petitioner had submitted an application for verification of his caste claim before the Committee on 08.01.2016 along with all relevant documentary evidence in support of his claim.

(b) However, by the order dated 30.04.2021, the Committee invalidated the caste claim of the petitioner on the ground that the Police Vigilance cell report disclosed inconsistencies in the caste records, reflecting entries such as "Koshti," "Halbi," and "Sali," which are not ordinarily found in cases of 'Halbi' Scheduled Tribe claimants.

(c) The Committee further held that the xerox copy of the birth record of a male child born to Ethu, dated 13.02.1921, was not conclusive, particularly in view of the earlier record of 1916 showing caste as "Koshti." It also found that the applicant's statements regarding births in 1915 and 1920 were not substantiated by any documentary evidence. Furthermore, the oldest available record of the applicant's forefathers reflected caste



as 'Koshti'. Thus, for the reasons aforementioned, the Committee rejected the caste claim of the petitioner.

5. We have heard Mr. Ashwin Deshpande, Counsel for the petitioner, as also, Mr. N. R. Patil, Additional Government Pleader for the respondent/State.

6. The Learned Counsel for the petitioner submits that the petitioner forwarded his application for verification of his caste claim to the committee on 08.01.2016. In order to substantiate his caste claim, the petitioner relied upon the following pre-constitutional documents:

Sr.No.	Name	Document	Relation with the Petitioner	Caste	Date
1.	Ethu Mangalaji Hedau	Birth record	Great Great Grandfather	Halbi	13.02.1921
2.	Namdeo Vithoba Hedau	School leaving certificate	Great Grandfather	Halbi	23.06.1930
3.	Janardhan Vithoba	School Transfer Certificate	Great Grandfather	Halbi	01.04.1931

7. The Learned Counsel for the petitioner submits that despite submission of necessary documents and compliance with procedural requirements, the petitioner's caste claim remained



pending for a prolonged period without any decision being taken by the Committee.

8. Owing to the inordinate delay in deciding the caste claim, the petitioner made several representations before the committee requesting early disposal of his application. However, the Committee failed to decide his application despite several representations. Aggrieved by this, the petitioner approached this Court by filing Writ Petition No. 4103 of 2017. This Court, by order dated 06.07.2017, directed the Committee to decide the petitioner's caste claim within a period of one year.

9. Despite the clear directions issued by this Court, the Committee failed to adhere to the stipulated timeline and did not take effective steps towards adjudication of the petitioner's claim. The petitioner continued to pursue the matter by submitting further representations dated 11.12.2020 and 05.01.2021, requesting compliance with the Court's order and early disposal of his case.

10. In view of continued inaction on the part of the Committee, the petitioner preferred to file Contempt Petition No. 49 of 2021 in the aforesaid writ petition. Consequently, the Committee issued a



show cause notice to the petitioner dated 04.03.2021 along with a Police Vigilance Report. The report referred to certain documents indicating 'Koshti' and 'Sali' caste entries. The petitioner responded to the said notice by filing a detailed reply dated 19.03.2021, specifically denying the said documents and asserting that they did not pertain to his family lineage, which was substantiated through the family tree on record.

11. Upon consideration of the Vigilance Report and the petitioner's reply, the Committee proceeded to pass an adverse order thereby invalidating the petitioner's caste claim by the present impugned order. The learned Counsel for the petitioner contends that the Committee failed to properly appreciate the evidence on record and wrongly relied upon unrelated documents.

12. In order to support his case, the learned Counsel for the petitioner places reliance on the below mentioned case laws:

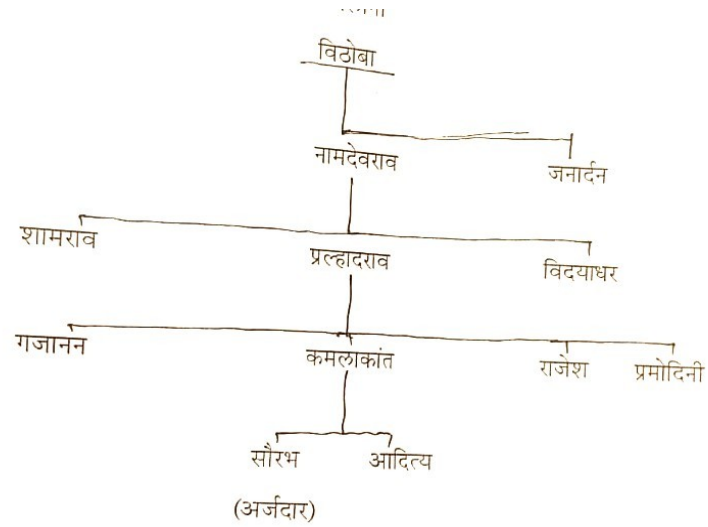
(a) Ms. Swati Krushnarao Hedao vs. The Scheduled Tribes Caste Certificate Scrutiny Committee, Amravati (Writ Petition No. 4061/2018)

(b) Kumari Madhuri Patil v. Addl. Commissioner, Tribal Development, (1994) 6 SCC 241



(c) Anand v. Scrutiny Committee; Priya Parate, 2013 (1) MHLJ 180

13. In light of these facts, we have carefully perused the record of the matter with the able assistance of learned Counsel for the parties. For the sake of brevity, the family tree is reproduced below:



14. The petitioner has submitted pre-Constitutional documentary evidence dating back to 1921 and 1930. The documents include the birth record of the Great great grandfather of the petitioner, namely Ethu Mangalaji Hedau, dated 13.02.1921, and, the school leaving certificate of the Great Grandfather of the petitioner, namely Namdeo Vithoba Hedao, dated 23.06.1930. Both these documents record the caste of the forefathers of the petitioner as 'Halbi'.



15. It is further to be noted that the Police Vigilance report found certain adverse entries belonging to the forefathers of the petitioner. It reported a birth record entry dated 13.09.1916, of one female child born to Vithoba, who is the great great grandfather of the petitioner showing caste as 'Koshti'. However, as per the geneology chart submitted by the father of the petitioner and admitted by the Committee, there is no mention of any female child born to Vithoba. On such basis, if the above adverse entry is discarded, the next early document is the Birth record of Great great grandfather of the petitioner, namely Ethu Mangalaji Hedau, dated 13.02.1921, wherein the caste mentioned is 'Halbi'.

16. Moreover, the Committee discarded the caste claim of the petitioner on the ground of failure to establish affinity test. It stated that the ordinary place of residence of the petitioner is Achalpur city, Dist. Amravati, however, as per the Committee, Amravati is not the habitation area of 'Halbi' Sheduled Tribe. Furthermore, the reliance placed by the Committee on surnames of the petitioner's relatives not corroborating with the common surnames found in the 'Halbi' Scheduled Tribe is erroneous as the Committee cannot



conclusively state which surnames belong to 'Halbi' Scheduled Tribe.

17. As also, the Committee stated that the petitioner failed to establish the affinity test. However, when certain pre-constitutional documents conclusively establish the 'Halbi' Scheduled Tribe identity of the Petitioner, the said affinity test becomes irrelevant. The Hon'ble Supreme Court in *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti v. State of Maharashtra and others*, MANU/SC/0299/2023, has categorically held that the affinity test is not a litmus test and cannot be conclusive either way, and that authentic pre-Constitution documents showing tribal community membership cannot be discarded. The affinity test at best can supplement documentary evidence but can never supplant it.

18. As far as document of 1940 is concerned, it shows caste as 'Sali' . However, the petitioner had specifically pointed out that the said document was not supplied to him with the vigilance cell report. Neither this fact nor the entire reply of the petitioner to the vigilance cell report has been considered by the Committee.



19. We are, therefore, of the considered opinion that the impugned order dated 30.04.2021 is unsustainable in law and thus liable to be quashed and set aside. Accordingly, we pass the following order:

ORDER

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 30.04.2021, passed by the Respondent No. 2 - the Scheduled Tribes Caste Certificate Scrutiny Committee, Amravati, in case ID NO. JC/TCSC/AMT/SKH/2016, invalidating the caste claim of the petitioner, namely Saurabh S/o Kamlakant Hedau, is hereby quashed and set aside.
- (iii) The respondent Committee is directed to issue caste validity certificate in favour of the present petitioner, namely Saurabh S/o Kamlakant Hedau, certifying him as belonging to 'Halbi Scheduled Tribe' within a period of four weeks from the date of receipt of a certified copy of this order.

20. Rule is made absolute in the above terms with no order as to costs.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)