



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

**WRIT PETITION No.4539 OF 2021**

Laxmikant S/o Mahadeo Nandanwar,  
Aged about 33 years,  
Occupation: Student,  
R/o at Indira Gandhi Ward,  
Umarkhed, Tq. Umarkhed,  
District: Yavatmal.

: PETITIONER

**...VERSUS...**

The Scheduled Tribes Caste Certificate  
Scrutiny Committee,  
through it's Member Secretary and  
Deputy Director, Sanna Building,  
Opp. Govt. Rest House, Camp,  
Amravati-444 601.

: RESPONDENT

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Mr. Ashwin Deshpande, Advocate for Petitioner.  
Mr. H.D. Futane, Assistant Government Pleader for Respondent.

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

**RESERVED ON** : **21<sup>st</sup> APRIL, 2026.**  
**PRONOUNCED ON** : **05<sup>th</sup> MAY, 2026.**

**JUDGMENT** : (Per : NANDESH S. DESHPANDE, J.)

1. Rule. Rule made returnable forthwith. Heard finally with the consent of parties.
2. The present petition challenges order dated 2/12/2019

passed by the respondent Scrutiny Committee, Amravati, thereby rejecting the claim of the petitioner for validation of caste certificate.

3. The facts, as can be seen from the petition, are as under :

On 27/1/2011, the petitioner submitted an application for verification of caste of his caste claim through his college to the respondent along with all documents. However, on 29/7/2016 since the caste claim was pending from 2011, the respondent Scrutiny Committee passed an order and cancelled the caste certificate on the ground that the said is not in a proper format. This prompted the petitioner to make an application on 9/12/2016 to the Sub-Divisional Officer to issue caste certificate in Form "C" as per order of the Scrutiny Committee. But, the said Authority i.e. the Sub-Divisional Officer rejected the request of the petitioner. Petitioner challenged the said order by filing a writ petition before this Court bearing Writ Petition No.5366/2008. This Court vide order dated 7/2/2019 directed that as the caste claim is admittedly pending and the petitioner claims to have two validity certificates in the family, issued a specific direction to decide the tribe claim of the petitioner within a period of six months. On 9/10/2019, the respondent Scrutiny Committee asked the petitioner to again

submit online application which was accordingly done by him on 29/7/2019. But since the Scrutiny Committee failed to decide the claim within six months, the petitioner filed a contempt petition No.289/2019. During the pendency of the said contempt petition, the respondent Scrutiny Committee sent a police vigilance report along with a show cause notice to which explanation was submitted by the petitioner. Thereafter on 2/12/2019, the Scrutiny Committee invalidated the claim of the petitioner. The said order is impugned in the present petition.

4. We have heard Mr. Ashwin Deshpande, learned counsel for the petitioner, and Mr. H.D. Futane, learned Assistant Government Pleader for the respondent Scrutiny Committee.

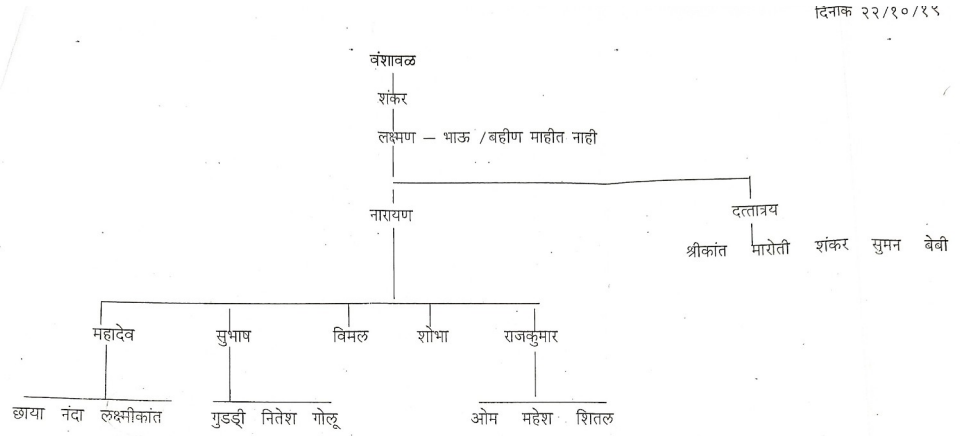
5. Mr. Ashwin Deshpande, the learned counsel for the petitioner submits that the order of the Scrutiny Committee in invalidating the caste claim is grossly erroneous and is based upon irrelevant considerations. He submits that there was ample documentary evidence on record to show that the petitioner belongs to "Halbi" Scheduled Tribe and therefore the Scrutiny Committee ought to have validated the caste certificate. He further submits that the ground for rejection that the petitioner has failed to establish the affinity test is totally uncalled for, when the documents produced by the petitioner conclusively established that

he belongs to “Halbi” Scheduled Tribe. He further submits that the Scrutiny Committee has failed to appreciate the proposition of law laid down in **Anand Nilkanth Katole and etc. Vs. Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and another** reported in **2014 SCC Online Bom 5076**.

6. Per contra, learned Assistant Government Pleader supported the impugned order of the Scrutiny Committee. He submits that there were contra entries to show that the forefather of the petitioner belonged to “Koshti” and, therefore, the Scrutiny Committee was right in rejecting the application. He in other words supported the impugned order.

7. We have given our thoughtful considerations to the contentions canvassed by the learned counsel for the respective parties and gone through the record. As can be seen from the order impugned, the adverse entries showing “Koshti” are pertaining to one ‘Hukaji Laxman’ and a male and female child born to him. These documents are from 22/1/1942 onwards. But it is noteworthy to mention that such a person named ‘Hukaji’ is not found in the family tree. The family tree is reproduced as under as under :

Family Tree :



It is also noteworthy to mention that the petitioner has denied the relationship with said 'Hukaji' while replying to the vigilance cell report. This fact has not been taken into consideration by the Scrutiny Committee. Same is the case with the death certificate of one 'Kausalya Narayan' showing "Koshti" which dates back to 30<sup>th</sup> November, 1928 and of Nagbai Narayan which is of 2/11/1942. Said persons, namely, 'Kausalya' and 'Nagbai' do not also find a place in the family tree.

8. The oldest document showing "Halbi" even as per the respondent Scrutiny Committee is 3/4/1947, wherein one male child is shown to be born to 'Narayan Laxman' i.e. the grandfather of the petitioner. This document has not been considered by the Scrutiny Committee. Furthermore, there were supporting documents to show the caste like the school leaving certificate of the father of the petitioner showing "Halbi". It was, therefore, not

expected of the respondent Scrutiny Committee to rely upon a contra entry showing “Koshti” of a person whose name is not found in the family tree. This assumes importance more particularly in view of the fact that the petitioner has specifically denied that the said person belongs to his family. Furthermore, as far as affinity test is concerned as has been rightly submitted by the counsel for the petitioner that it would not be a litmus test since there were ample sufficient documentary evidence on record to show that the petitioner belongs to “Halbi” Scheduled Tribe. It, therefore, follows that the order of the Scrutiny Committee cannot withstand the scrutiny of law and is liable to be set aside. We, therefore, passed the following order :

### **ORDER**

- (i) The Writ Petition is allowed.
- (ii) Order dated 2/12/2019 passed by the respondent Scrutiny Committee, Amravati is quashed and set aside.
- (iii) The respondent, Scrutiny Committee, Amravati, is directed to issue a caste certificate certifying that the petitioner belongs to “Halbi” Scheduled Tribe within four weeks from the date of the order.
- (iv) The Writ Petition is disposed of.

(v) Rule is made absolute in abovestated terms.

(NANDESH S. DESHPANDE, J.)

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

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