



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION No.5134 OF 2022

Miss. Puja D/o Ganeshrao Sawsakade,
aged about 26 years, Occ. Service,
R/o. At. Post. Sarul, Tah. Babhulgaon,
District Yavatmal. : PETITIONER

...VERSUS...

1. Deputy Director & Member Secretary,
The Scheduled Tribe Certificate Scrutiny
Committee, Amravati, opposite to office of
State Information Commission,
Chaprashipura, Amravati.
2. Principal,
Vidya Bharti Mahavidyalaya, Amravati,
C. K. Naidu Road, Camp, Amravati-444 602.
3. Registrar,
Sant Gagdebaba Amravati University,
Amravati. : RESPONDENTS

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Mr. A.S. Mardikar, Senior Advocate along with Mr. Ananta Ramteke,
Advocate for Petitioner.

Mrs. M.S. Naik, Assistant Government Pleader for Respondent Nos.1
and 2.

Mrs. Gauri Venkatraman, Advocate for Respondent No.3.

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

RESERVED ON : **21st APRIL, 2026.**

PRONOUNCED ON : **07th 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 28/04/2022, passed in Case No.5/510/Ser/062020/166981, by the respondent No.1 Scrutiny Committee, Amravati, thereby invalidating the caste claim of the petitioner. He further prays for a declaration that the claim of the petitioner for “Mana” Scheduled Tribe is valid and for a direction to the said Scrutiny Committee to issue a validity certificate to the petitioner. It also prays for a direction to set aside the order of termination of service dated 24/05/2022.

3. The facts, as can be stated in the petition, are as under :

The Sub-Divisional Officer, Yavatmal issued a tribe certificate certifying that the petitioner belongs to “Mana” Scheduled Tribe on 21/08/2018. Thereafter, on 01/01/2020, the petitioner being qualified and eligible for the post of Assistant Professor, the respondent No.3 approved her appointment on the said post and she was serving in the respondent No.2 College. Thereafter, on 3rd January, 2020, the tribe claim of the petitioner was forwarded to the respondent No.1 Scrutiny Committee, Amravati for verification and for grant of validity. On 28/4/2022,



the respondent No.1 Scrutiny Committee, Amravati rejected the tribe claim of the petitioner and cancelled and confiscated the tribe certificate. As a consequence, on 24/5/2022 the respondent No.2 College terminated the service of the petitioner. All these actions are challenged in the present petition.

4. We have heard Mr. A.S. Mardikar, learned Senior Advocate along with Mr. Ananta Ramteke, learned counsel for petitioner, Mrs. M.S. Naik, learned Assistant Government Pleader for respondent Nos.1 and 2 and Mrs. Gauri Venkatraman, learned counsel for respondent No.3.

5. Mr. A.S. Mardikar, learned Senior Advocate for the petitioner by taking us through the impugned order submits that the respondent No.1 Scrutiny Committee, Amravati has erroneously answered issue No.1 pertaining to the petitioner proving the claim on the basis of documentary evidence. He submits that the Scrutiny Committee has examined and verified 18 documents produced by the petitioner which consistently showed his caste as "Mana". He submits that the documents are also verified from the Vigilance Cell and are found to be genuine. He submits that in view of the judgment of **Gitesh s/o. Narendra Ghormare V/s. Scheduled Tribe Certificate Scrutiny Committee, Nagpur, 2018 (4) Mah.L.J. 933.** "Mani" has to be treated as "Mana" and, therefore, the order of the



Scrutiny Committee cannot be sustained. He also submits that the while answering the issue No.2 in respect of affinity, the Committee has erroneously observed that the rights, customs and culture of the petitioner are not supporting the Scheduled Tribe, but failed to appreciate that the said test is not a litmus test. He, therefore, prays for allowing the petition.

6. Per contra, the learned Assistant Government Pleader appearing for the respondent No.1 Scrutiny Committee supports the impugned order. She submits that all adverse entries except “Mana” are admitted and, therefore, the Scrutiny Committee was right in rejecting the validation claim of the petitioner. The learned counsel for the respondent No.3 states that in the facts and circumstances appropriate order may kindly be passed.

7. With the assistance of the learned counsels for the respective parties, we have gone through the record of the Scrutiny Committee. As can be seen from the impugned order, the oldest document is an extract of birth register of one male child born to Doma. It is dated 26/12/1926 and caste is shown as “Mani”. Furthermore, the Vigilance Cell has found certain contra entries showing as ‘Kunbi Mani’, ‘Mana Kunbi’ ‘Mane Kunbi’ amongst others. It is the finding of the Scrutiny Committee that the adverse entries have been found and obtained from the Government Offices



and, therefore, there is high probative value. Stretching this logic we are of the considered opinion that this parameter also applies to the documents filed by the petitioner in support of her caste claim showing 'Mana'. As far as the oldest document dated 26/12/1926 is concerned, even though it shows caste as 'Mani', it has to be read as 'Mana' in view of judgment of *Gitesh s/o. Narendra Ghormare V/s. Scheduled Tribe Certificate Scrutiny Committee, Nagpur* (supra).

8. Furthermore, as far as document dated 19/08/1925 is concerned, the same is found by the Vigilance Cell and it is showing the caste as "Mani". It belongs to one male child born to one 'Doma' who is the great grandfather of the petitioner. At this juncture, the reply given by the petitioner to the Vigilance Cell assumes importance. In point-wise rebuttal to the documents, the petitioner has specifically stated that only because there is similarity in name 'Doma', the person cannot be said to be connected with the family of the petitioner. He has specifically stated that there is no connection with the said 'Kunbi' caste of the person 'Doma'. This explanation has not been considered by the Vigilance Committee at all.

9. As far as the document of the year 1952 and more particularly 24/06/1952 is concerned, as has been rightly submitted



by the Assistant Government Pleader that the petitioner has admitted the said entry, but the said admission is only limited to the said document i.e. relating to 24/06/1952 of one Himmatrao Doma Sawsakade, showing 'Mane Kunbi'. The said admission cannot be stretched to other old documents of 1925 and 1920. Furthermore, admittedly there is no caste named 'Mani' as has been observed by this Court in various judgments and more particularly the judgment of *Gitesh s/o. Narendra Ghormare V/s. Scheduled Tribe Certificate Scrutiny Committee, Nagpur* (supra). Thus, 'Mani' documents are to be read as 'Mana' and, therefore, the oldest document of 19/8/2025 has to be read as 'Mana'. It can, therefore, be said that there is a document of 1925 and 1926 even though showing 'Mani' has to be read as 'Mana'.

10. In that view of the matter, the contra entries showing 'Kunbi', 'Mana Kunbi', and 'Mane Kunbi' being in later point of time assumes less significance. The Scrutiny Committee has at all not considered this aspects of the matter and more particularly the binding precedent in *Gitesh* as referred Supra. As has been held by the Full Bench of this Court in **Maroti s/o. Vyankati Gaikwad Vs. Deputy Director and Member Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and others**, reported in **2025 (4) Mh.L.J. (F.B.) 377**, a claim by an individual of falling



within a particular entry can be considered on the basis of documents and within the parameters of Maharashtra Caste Verification Act, 2000 and the Rules, of 2003 as framed thereunder in the light of what has been stated in *Kumari Madhuri Patil and another Vs. Additional Commissioner Tribal Development and others*, *Anand Vs. Committee for Scrutiny and Verification of Tribe Claims, Maharashtra Adivasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra* and *Priya Pramod Gajbe Vs. State of Maharashtra* and not otherwise. Furthermore, as held by the Hon'ble Apex Court in **Priya Pramod Gajbe Vs. State of Maharashtra and others**, reported in **2024 (7) ALL MR 779 (S.C.)**. The caste of the great grandfather is shown as 'Mana' while another documents shows as 'Mani'. As has been observed by the Hon'ble Apex Court that there is no caste named 'Mani' and, therefore, the said 'Mani' entry has to be read as 'Mana'. We are, therefore, of the considered opinion that the order of the Scrutiny Committee is perverse since it does not consider the binding precedents.

11. In view of that, following order is passed :

ORDER

- (i) The Writ Petition is allowed.
- (ii) The order dated 28/04/2022, passed in Case No.5/510/Ser/062020/166981, by the respondent No.1 Scrutiny



Committee, Amravati, is quashed and set aside.

(iii) It is hereby declared that the petitioner belongs to “Mana” Scheduled Tribe and the Scrutiny Committee, Amravati is directed to issue a validity certificate to her within four weeks from date of the order.

(iv) We also set aside the order of termination of service dated 24/05/2022 passed by the respondent No.2 College and further direct the said respondent No.2 to reinstate the petitioner on her original post with continuity in service from the date of initial appointment.

(v) Writ Petition is disposed of.

(vi) Rule is made absolute in the abovestated terms.

(NANDESH S. DESHPANDE, J.)

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