

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4779 OF 2022

Mr. Rajendra S/o Premrao Hedau,
age- 45 years, occ. Service, Permanently
residing at House No. 815 A, Near Hedau
Painter's House, Navi Vasti, Tandapeth,
Nagpur -440017, presently residing at flat
No. 303, Sky Space Co-Op Housing Society,
Plot No. 119, Sector 34, Kamothe, Navi
Mumbai-410 209.

...PETITIONER

VERSUS

1. The State of Maharashtra,
through its Chief Secretary, 6th Floor,
Mantralaya, Hutatma Rajguru Chauk,
Madam Cama Road, Mumbai PIN 400032.
2. Scheduled Tribe Caste Certificate
Scrutiny Committee, Nagpur, through it's
Member Secretary, Office at 2nd Floor,
Adiwasi Vikas Bhawan, Amravati Road,
Giripeth, Nagpur PIN 440010.
- 3 Union of India,
Through its Secretary, Department of Post,
Ministry of Communication, Office at
:Postal Directorate, Dak Bhavan, New
Delhi, 110001.
4. Chief Postmaster General, Maharashtra
Circle, Office at 2nd floor, Mumbai GPO
Old Building, Mumbai - 400 001.

5 The Senior Superintendent of Post
Offices Navi Mumbai Division,
Office at Vashi MDG, Sector 16,
Vashi Navi Mumbai 400703

...RESPONDENTS

Shri N.D. Meshram, Advocate for petitioner
Shri S.V. Narale, AGP for respondent/State
Shri S.A. Chaudhari, Advocate for respondent Nos. 3 & 4

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

RESERVED ON : 17.03.2026
PRONOUNCED ON : 15.04.2026

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

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.
2. The Petitioner has filed the present Writ Petition challenging the order dated 18.07.2022 passed by Respondent No. 2, Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur, in Case No. 6-ST/2015/12706, whereby the Petitioner's claim to "Halba" Scheduled Tribe has been invalidated.
3. The Petitioner was appointed as a Postal Assistant on 25.04.2005 on a post reserved for the ST category and is presently posted at Post Office Vashi, Navi Mumbai. The Respondent No. 5

issued a charge-sheet on 30.03.2015 and referred the matter to the Scrutiny Committee on 29.02.2016. The Scrutiny Committee passed its First Invalidation Order on 30.12.2020. This Court, by order dated 09.02.2021 in Writ Petition No. 788/2021, quashed the said order and remanded the matter, directing the Scrutiny Committee to assess documents only on the touchstone of whether they are forged, fake, or fabricated. Upon remand, the Scrutiny Committee again invalidated the claim by the impugned order dated 18.07.2022, which is the subject matter of the present petition.

4. The Petitioner relied upon the following documents:

Sr. No.	Document	Person	Relation-ship	Caste	Date/Year
1.	Admission Register Extract, Z.P. Gopalrao Wagh Primary School, Ashti, Dist. Wardha	Pandurang Ragho	Great Grand-father	Halba	31.03.1909
2.	School Leaving Certificate, same school	Pandurang Ragho	Great Grand-father	Halba	30.04.1917
3.	Admission Register Extract, N.M.C., Nagpur	Mahadeo S/o Pandurang Ragho Hedau	Grand-father	Halba	01.06.1933
4.	School Leaving Certificate, Chitanvispura Primary School, Nagpur	Mahadeo S/o Pandurang Ragho Hedau	Grand-father	Halba	30.03.1937

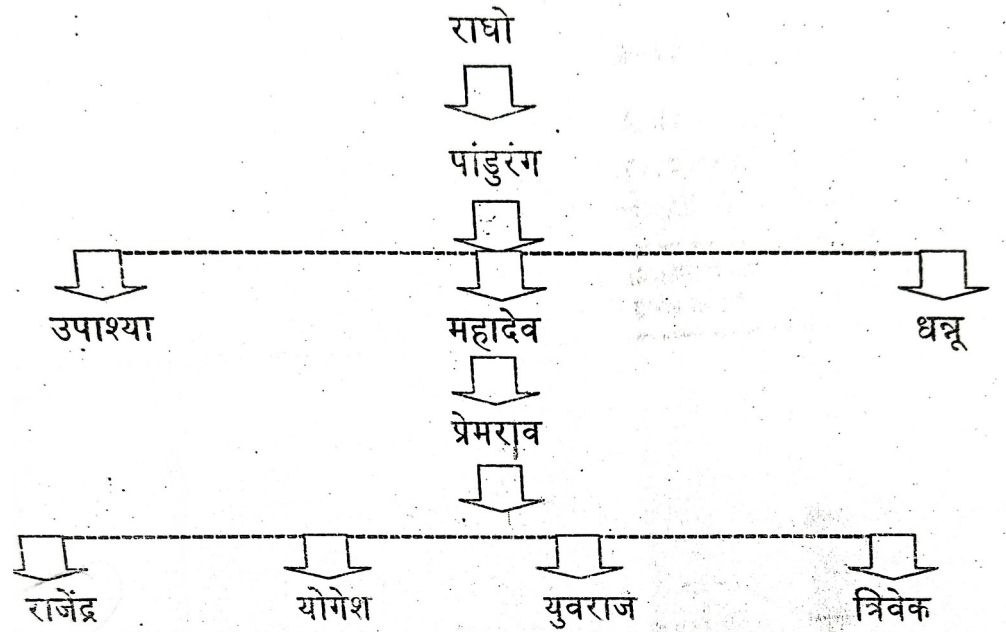
5.	Residence Card, Central Provinces Government	Mahadeo Pandurang Hedau	Grand- father	Halba	25.03.1949
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5. Learned Counsel for the Petitioner submits that the Scrutiny Committee, in willful defiance of this Court's directions in Writ Petition No.788/2021, re-agitated grounds already set aside, thereby committing willful contempt. It is further submitted that the pre-constitutional documents of Great Grand-father Pandurang Ragho were wrongly discarded as forged, in violation of Section 79 of the Indian Evidence Act, 1872, which raises a presumption of genuineness of certified copies of public documents. It is contended that the Scrutiny Committee erred in applying area restriction, as the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 had repealed the same and reliance on **Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and others (1994) 6 SCC 241** is misplaced in view of **Dayaram vs. Sudhir Batham, (2012) 1 SCC 333**, which holds that directions under Article 142 are not enforceable by State authorities. Lastly, it is submitted that the affinity test cannot be the sole basis for rejection, as held in **Anand vs. Committee for Scrutiny**

and Verification of Tribe Claims, (2012) 1 SCC 113, and rejection on surmises and conjectures is unsustainable in law.

6. The Petitioner has placed reliance on the following judgments: (i) Anand vs. Committee for Scrutiny and Verification of Tribe Claims, (2012) 1 SCC 113; (ii) Dayaram vs. Sudhir Batham, (2012) 1 SCC 333; (iii) Kumari Madhuri Patil vs. Addl. Commissioner, Tribal Development, (1994) 6 SCC 241; (iv) Jaywant Dilip Pawar vs. State of Maharashtra, 2018 (5) ALL MR 975; (v) Writ Petition No. 788/2021, order dated 09.02.2021 of this Court; and (vi) Writ Petition No. 2681/2015, order dated 18.03.2016 of this Court.

Genealogical tree is as under :



7. Per contra, learned Assistant Government Pleader for Respondent No. 2 opposed the petition. During vigilance inquiry, the following documents of the Petitioner's blood relatives were brought on record :

Sr. No	Document	Person	Relationship	Caste	Date/Year
1.	Birth Extract	Male child of Pandurang Ragho	Great Grand-father's line	Koshti	11.05.1925
2.	Birth Extract, M. Corp. Nagpur	Female child, Lachchhmi, Mahadeo Pandurang	Grand-father's line	Koshti	01.03.1945
3.	Birth Extract, M. Corp. Nagpur	Male child of Mahadeo Pandurang	Grand-father's line	Koshti	16.04.1947
4.	Home Tax Extract, Tandapeth, Nagpur	Mahadeo S/o Pandurang and brother Upashya	Grand-father and Grand-uncle	Koshti	1953-54
5.	School Document, M. Corp. Nagpur	Premrao Mahadeo Hedau	Father	Koshti	11.07.1955

8. It is submitted that the caste of the Petitioner's blood relatives is consistently recorded as "Koshti" across documents from 1925 to 1955, which carry high probative value and that their place of residence, surnames, deities, and socio-cultural affinity do not correspond with "Halba" Scheduled Tribe. It is further submitted that during inquiry on 30.11.2018, two Admission Registers were

found at Z.P. Gopalrao Wagh Primary School, Ashti, wherein the same Admission No. 1146 records "Bhagawan" with caste "Teli" in Register 1-A and "Pandurang Ragho Halba" in Register 1-B, creating serious doubt as to authenticity, which the Headmaster was unable to explain.

9. It is further submitted that on 17.06.2019, the Vigilance Cell recorded the statement of Maroti Ramchandrajji Hedau, aged 72 years, permanent resident of Shendurjanaghat, District Amaravati, who stated that there are only six houses of Hedau surname persons in Shendurjanaghat and that Mahadeo Pandurang Koshti of Hedau surname was never a resident of Shendurjanaghat. Further, the Petitioner's claim for cross-examination of the Vigilance Cell Officer is not maintainable, as held by this Court in Writ Petition Nos. 903/2007 and 904/2007 and in *Bharat Gulabsing Thakur vs. State of Maharashtra*, 2010 (6) ALL MR 248.

10. Shri S.A. Chaudhari, learned Counsel for Respondent Nos.3 and 4, Chief Post Master General, Maharashtra Circle, opposed the petition. It is submitted that the Petitioner was appointed on 25.04.2005 on an ST reserved post and was directed

to submit a Validity Certificate vide letter dated 13.07.2006. Despite repeated reminders, the Petitioner failed to comply, on account of which a charge-sheet under Rule 14 was issued on 30.03.2015. The Petitioner challenged the charge-sheet in Writ Petition No.2681/2015, whereupon this Court directed stay of punishment and submission of scrutiny proposal. The Scrutiny Committee, after two rounds of verification, passed the impugned order dated 18.07.2022 again invalidating the claim and authorizing action under Sections 10(1)(2) and 11(1)(2) of the Maharashtra Caste Certificate Act, 2000. It is submitted that the impugned order is just, proper, and legal, and the Writ Petition deserves to be rejected.

11. We have carefully considered the rival submissions and perused the material on record. The Petitioner has placed before this Court a continuous chain of pre-constitutional documents, even then the Scrutiny Committee declined the claim on the following grounds, each of which we deal with seriatim :

- i. **Ground I — Handwriting discrepancy in Register 1-B:** The Committee concluded that the first three pages of Register 1-B are fabricated on the basis of its own visual comparison of handwriting, without obtaining any expert handwriting or forensic opinion. The Supreme Court in **Sayanna v. State of Maharashtra, 2010 (1) ALL MR 957 (SC)** has held that a

Scrutiny Committee is not a handwriting expert and that a finding of fabrication by mere visual comparison, without expert opinion, is legally unsustainable. Physical irregularities such as missing page numbers, blank pages, and non-sequential admission numbers are the natural consequence of a register maintained from 1908 to 1923 and stored for over a century, and cannot, without expert support, amount to proof of fabrication. This ground accordingly fails.

ii. This Court in Writ Petition No. 788/2021 had already specifically and categorically dealt with and rejected these very grounds in Paragraphs 14 and 15, holding as follows:

14. *"Now, moving to the entry of 1933, it is stated that the police vigilance cell could not find a copy of application on the record of the school, seeking 'Transfer Certificate'. The other reason for discarding the said entry was that the complete entry was not found, because the record is very old and a small corner part of the page having entry 'Hedau' relating to grand father of the petitioner, has been pulled apart or torn."*
15. *"The aforesaid reasons cannot be accepted as valid, while it is not the case of the Committee that the document of the year 1933 is bogus, forged or fabricated. In that view of the matter, we hold that the Committee has not assessed the documentary evidence available on record in totality and omitted to consider and appreciate the important piece of evidence in the form of documents of pre-Constitutional period, which is having high degree of probative value."*

The Scrutiny Committee, in the impugned order dated 18.07.2022, has once again sought to rely upon the very same grounds in respect of the 1933 document which this Court had already specifically held to be invalid and legally unacceptable.

- iii. **Ground II — Two parallel registers and conflict at Admission No. 1146:** The Committee treated the entry "Bhagwan — Teli" at Admission No. 1146 in Register 1-A as a contra entry against the Petitioner's great grand-father. This is demonstrably erroneous. "Bhagwan" is an entirely different individual bearing no genealogical connection to the Petitioner's family.

This Court in Writ Petition No. 788/2021 had in terms held in Paragraph 10 that,

"because two admission Registers were maintained by the school, it cannot be a sufficient ground to discard the document unless contrary entry is found in relation to the great grand father or grand father of the petitioner."

The Committee has, in clear defiance of this binding direction, treated a stranger's entry as a contra entry constituting both a manifest error of law and non-compliance with this Court's direction. Furthermore, assuming that there exists some discrepancy in the admission register the said act by no stretch of imagination be attributed to the petitioner as he had no access to the said registers. Therefore, the petitioner cannot be put to inconvenience for the act of the school.

- iv. **Ground III — Amit Shankarrao Hedau applying for the same record:** The Committee has itself recorded that no genealogical link between Amit Shankarrao Hedau and the Petitioner is established. In the absence of any proven relationship, the fact that another person traced ancestry to the same Mahadeo Pandurang is not evidence of fabrication. Fabrication must be established by positive material, not speculation.
- v. **Ground IV — Adverse "Koshti" entries from 1925 to 1955:** The Committee relied on the 1925 Kotwal Panji entry (Pandurang Ragho Koshti, Dangrepura, Karanjikar Lane), 1945 and 1947 birth extracts (Mahadev Pandurang, Nandba Dob, Ganjakheth), the 1951-54 Home Tax Extract, and the

1955 school document recording "Koshti". This Court in Priya d/o Pravin Parate v. ST Caste Certificate Scrutiny Committee, Nagpur, 2013 (1) Mh.L.J. 180 has held that "Koshti" entries must be read alongside the profession recorded, as Halba/Halbi tribals engaged in weaving were traditionally recorded as "Koshti" by municipal functionaries irrespective of tribal identity, and such occupational entries cannot negate a well-supported Halba/Halbi claim.

12. In these circumstances, we are of the considered opinion that the impugned order dated 18.07.2022 passed by the Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur, in Case No. 6-ST/2015/12706, invalidating the Petitioner's claim to "Halba" Scheduled Tribe, is perverse, contrary to settled law, and in non-compliance with the binding direction of this Court in Writ Petition No.788/2021. This Court further notes that the departmental proceedings initiated against the Petitioner vide charge-sheet dated 30.03.2015 were founded solely upon the invalidation of his Scheduled Tribe caste claim by the Scrutiny Committee. Since the impugned invalidation order dated 18.07.2022 has been quashed and set aside by this Court, the departmental proceedings initiated consequent thereto are rendered non-est. The Petitioner has satisfactorily established that he belongs to the Halba Scheduled Tribe. Accordingly, we pass the following order :

ORDER

(i) The Writ Petition is allowed.

(ii) The impugned order dated 18.07.2022 passed by the Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur, in Case No. 6-ST/2015/12706, invalidating the caste claim of the Petitioner as belonging to "Halba" Scheduled Tribe, is hereby quashed and set aside.

(iii) The Respondent No. 2 Scrutiny Committee is directed to issue a Caste Validity Certificate to the Petitioner certifying him as belonging to "Halba" Scheduled Tribe within a period of four weeks from the date of receipt of a certified copy of this order.

(iv) The departmental proceedings initiated against the Petitioner by Respondent Nos. 3 and 4 vide charge-sheet dated 30.03.2015, being solely consequential upon the invalidation of the Petitioner's caste claim, are hereby declared non-est. Further Respondent Nos. 3 and 5 are directed to treat the Petitioner's service as uninterrupted and regular in all respects and to restore all consequential service benefits

(v) Rule is made absolute in the above terms with no order as to costs.

(NANDESH S. DESHPANDE, J.)

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