

(2025) 08 BOM CK 0229

In the Bombay High Court, Nagpur Bench

Case No : Writ Petition No. 7256, 7257 Of 2024

Sauravkumar S/O. Sunilkumar Katole

APPELLANT

Vs

S. T. Caste Certificate Scrutiny Committee, Thr. Member
Secy. And Dy. Director, Yavatmal

RESPONDENT

Date of Decision : 07-08-2025

Acts Referred:

Citation : (2025) 08 BOM CK 0229

Hon'ble Judges : M. S. Jawalkar, J;Pravin S. Patil, J

Bench : Division Bench

Advocate : Anil Mardikar, Ashwin Deshpande, P.P. Pendke, V.M. Kulsange

Final Decision : Allowed

Judgement

M. S. Jawalkar, J

1. Rule. Rule made returnable forthwith. Heard finally by consent of learned Counsel for the respective parties.

2. Writ Petition No. 7256/2024 is filed by Sauravkumar Sunilkumar Katole whilst Writ Petition No. 7257/2024 is filed by Sunilkumar Madhukar Katole. Petitioners in both the petitions are son and father respectively. Since Writ Petition No. 7256/2024 is taken as lead Petition, the facts and contentions of the said Writ Petition are referred herein below for deciding the issue involved in both the Writ Petitions. Moreover, documents relied on are also same.

3. Being aggrieved by the order dated 31.10.2023 passed by the Respondent-Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal (hereinafter to be referred as the said 'Committee') invalidated the caste claim of the petitioner for 'Halbi' Scheduled Tribe Category and ultimately cancelling and confiscating the Caste Certificate dated 18.09.2019 issued by the office of Sub Divisional Officer, Umarkhed.

4. The petitioners are son and father. The petitioner belongs to 'Halbi' Scheduled

Tribe, which is recognized as Scheduled Tribe in the State of Maharashtra and is included at Sr. No. 19 of the Constitutional Scheduled Tribe Order, 1950. On 18.09.2019, the petitioner had obtained a caste certificate of 'Halbi' which is recognised as a Scheduled Tribe from competent authority-the Sub-Divisional Officer, Umarkhed.

5. The petitioner is a student and has completed his 12th Standard from, Sant Tukaram National Model School, Latur. As the admission of petitioner was in Scheduled Tribe Category, the claim for verification was forwarded to respondent Committee through the Principal, Sant Tukaram National Model School, Latur, vide letter dated 06.12.2021. The petitioner also filled an online application form for verification on 30.12.2021 and along with the said form, the petitioner also submitted all the relevant documents in support of his claim.

6. On 22.08.2023, the respondent Committee sent a copy of show cause notice to the petitioner along with a copy of Police Vigilance Report of the petitioner to give his reply on the said notice and to appear before the committee on 24.08.2023. The petitioner appeared before the Committee on 11.09.2023 for hearing and also gave his reply on the Vigilance Report. The petitioner has given his explanation on the documents, which were exhibited with the report. The petitioner has specifically denied the documents of "KOSHTI" as they are not from the family.

7. On 12.09.2023, again the respondent Committee sent a show cause notice to the petitioner and asked to remain present for hearing on 21.09.2023. The petitioner accordingly, appeared before the Committee on 21.09.2023 and again submitted his detailed reply.

8. The petitioner's father - Sunilkumar Madhukar Katole & his uncle Dhananjay Madhukar Katole has obtained SBC Caste Certificate and validity certificate. The petitioner has already given his explanation towards these findings that, petitioner's father has already surrendered SBC Caste Certificate by way of an affidavit dated 25.06.2021 and petitioner's uncle has obtained the SBC Validity Certificate in pursuance of the Government Resolution dated 15.06.1995 at the relevant time.

9. The petitioner's uncle's caste claim was invalidated belonging to 'Halba' Scheduled Tribe category on 15.05.2000 and the same was invalidated by the Committee.

10. The petitioner's real brother has been granted validity by this Court belonging to 'Halbi' Scheduled Tribe category vide order dated 06.08.2019 passed in Writ Petition No. 5098 of 2019 and on the basis of the said validity the petitioner is also eligible to get the validity certificate.

11. Learned Senior Counsel Shri Anil Mardikar for petitioner relied on following citations :

i) Mah. Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and

others reported in 2023 SCC OnLine SC 326

ii) Anand Vs. Committee for Scrutiny and Verification of Tribe Claims and others reported in 2011 (6) Mh.L.J.

iii) Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others reported in 2010 (6) Mh.L.J.

iv) Mangesh s/o Panditrao Thakur Vs. The State of Maharashtra, Department of Tribe Development, Mantralaya, Mumbai through its Secretary in Writ Petition NO.14111 of 2021 and other connected matters of this Court at Aurangabad Bench.

v) Nishant s/o Sudhir Narnaware Vs. The Vice-Chairman/Member-Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur and another in Writ Petition No.1218 of 2023 of this Court.

vi) Ashok s/o Madhav Ingle and another Vs. The Vice-Chairman/ Member-Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal and others in Writ Petition No.8261 of 2023 of this Court.

vii) Priya Pravin Parate Vs. Scheduled Tribes Caste Certificates Scrutiny Committee, Nagpur and others, 2013(1) Mh.L.J. 180.

12. It is the contention of the respondent that in the present case the petitioner has failed to prove the Scheduled Tribe claim of 'Halbi', which was referred for verification to Scrutiny Committee. In order to substantiate the claim, the petitioner has submitted various documents. The oldest documents of dated 26.06.1942, 25.05.1950, 29.01.1938, 05.03.1936, illegible (.09.1944) and illegible (.06.1915) relied by petitioner are of Mauje Fulsawangi Tq. Mahagaon Dist. Yavatmal.

13. It is further contended that, petitioner has raised a ground that, that petitioner produced in all six documents serially listed in the petition and genuineness, authenticity and existence of these documents has neither been gone into by the committee, the Scrutiny Committee evaluated the documentary evidence submitted by the petitioner and procured by the vigilance cell and after granting opportunity of hearing to the petitioner came to the conclusion that the petitioner has failed to substantiate that he belongs to 'Halbi' Scheduled Tribe. The Scrutiny Committee, therefore, by order dated 31.10.2023 invalidated the tribe claim of the petitioner belonging to 'Halbi' Scheduled Tribe. The order dated 31.10.2023 is a well-reasoned and justifiable order and needs to be maintained by this Court. Apart from the above stated, the petitioner failed to substantiate the ground raised in the petition.

14. The learned AGP relied on Pranav Sadashiv Lad Vs. Caste Certificate Scrutiny Committee, Kolhapur and others in Writ Petition No.12713 of 2022 of this Court at Principal Seat.

15. Heard both the parties at length. Perused the impugned order documents

placed on record and considered the citations relied on by the parties. In order to establish cast claim of 'Halbi', the petitioner placed on record as many as eighteen documents, out of them following are the documents prior to cut of date.

Sr.No.

Copy of Documents

Caste/Tribe

Date

Annex No.

1.

Copy of School Record of the petitioner's Cousin Grandfather (Bhagwan Govinda)

Halbi

26.06.1942

16

2

Copy of Birth Register Certificate of the petitioner's Grandfather (Madev Alias Madhukar son of Govinda Narayan Halbi)

Halbi

25.05.1950

17

3

Copy of Birth Register Certificate of the petitioner's cousin Grandfather (Namdev alias Ram-son of Govinda Narayan Halbi)

Halbi

29.01.1938

18

4

Copy of Birth Register Certificate of the petitioner's cousin Grandfather (Bhagwan – son of Govinda Narayan Halbi)

Halbi

05.03.1936

19

Copy of Birth Register Certificate of the petitioner's cousin Grandfather (Maroti son of Govinda Narayan Halbi)

Halbi

...9.1944

20

6

Copy of Birth Register Certificate of the petitioner's Great Great Grandfather (Narayan Halbi)

Halbi

....6.1915

21

16. In these documents relatives from paternal side of the petitioner shown as 'Halbi'. It is a matter of record that real brother, Someshkumar Sunilkumar Katole of the petitioner was granted validity by the Scrutiny Committee, which is produced by the petitioner (page 245 Annexure - 7). It was issued on 07/08/2019. The same was issued by the Scheduled Tribe Certificate Scrutiny Committee, Amravati. On perusal of impugned order dated 31/10/2023, it appears that the Caste Scrutiny Committee heavily relied on the certificate of 'Halba Koshti' belonging to SBC of the father of the petitioner. In this regard there is no consideration what is reply/explanation given by the petitioner. It is a matter of record that petitioner's father Sunilkumar Madhukar Katole and his uncle Dhananjay Madhukarrao Katole had obtained SBC caste certificate and validity certificate. Petitioner's father has already surrendered the SBC caste certificate by way of an affidavit dated 25/06/2021 and he has made clear that he has not obtained any benefits on the basis of that certificate and petitioner's uncle has obtained the SBC validity certificate in pursuance of the Government Resolution dated 07/12/1994 and 13/06/1995 at the relevant time. Thereafter, 17/12/1998 'Halba' was deleted from Special Backward Classes.

17. It is also mentioned in the affidavit of Sunilkumar, father of petitioner that he has not only surrendered the validity certificate belonging to SBC but also not availed any benefit on the basis of said certificate. Now three questions are required to be answered. Initially uncle of the petitioner had obtained the caste certificate belonging to SBC. Caste validity claim of the uncle of the petitioner came to be rejected on 15/05/2000 and same was challenged in the Writ Petition No. 2627/2000. In the said writ petition, the matter was remanded back to the Committee, again on 30/09/2002, the Scrutiny Committee invalidated the caste claim of the petitioner belonging to Halba Scheduled Tribe category and the said second invalidation order was not challenged by the petitioner's uncle, due to his

own reasons. The Caste Scrutiny Committee heavily relied on this rejection of claim of uncle of the petitioner. Secondly Caste Scrutiny Committee relied on the sale-deeds executed by the relatives of the petitioner, wherein, they have stated that they are not belonging to Scheduled Tribe.

18. In explanation (page 637), the petitioner has made clear that the documents procured by the Vigilance Cell at Sr. No. 1 in respect of Bhagwan Govinda dated 26/06/1942, is the school declaration showing caste 'Koshti Halbi', whereas, document No. 2, which is admission register, wherein, caste is shown as 'Halbi' of same Bhagwan Govinda. It is submitted that the document at Sr. No.1 which is the declaration which ought not to have considered but the document at Sr. No. 2, which is admit cancel register needs to be considered. If report of the Vigilance Cell is perused, the document produced by the petitioner were verified by the Vigilance Cell in respect of birth of Bhagwan to the Govinda Narayan Halbi, the entry dated 05/03/1936 page 272 is verified. Similarly, there is entry of 29/09/1944 showing caste 'Halbi' in which Govinda shown as gave birth to Maroti. There is another document of 1915, wherein, caste is shown as 'Halbi', wherein it is shown that Narayan gave birth to one female child. In the said Vigilance Cell report in the remark column in respect of this 1915 entry, it is referred that record is in dilapidated condition. The documents procured by the Vigilance Cell as referred above in respect of Bhagwan Govinda, school record of 1942 shows entry by caste 'Halbi'. All other entries of 'Koshti' pertaining to the documents were collected those are subsequent to 1950. Therefore, these documents cannot be considered for deciding caste validity of the petitioner belonging to 'Halbi' Scheduled Tribe. Documents of 1936 and 1944, of which, due verification is carried out are not disputed. While collecting genealogy, wherein, it is mentioned that Govinda Narayan Halbi is having son Ram alias Namdeo. The documents which was placed on record by the petitioner is dated 09/02/1938. The relevant document is placed on record (page 271). There was no reason to disbelieve these documents only on the ground that Ram is not reflected and Ram and Namdeo is one and the same person. As name of father of Namdeo i.e. Govinda Narayan Halbi resident of Fulsawangi, is mentioned in the said document and date of birth is shown as 29/01/1938 and as family tree is not disputed, the Scrutiny Committee has recorded perverse finding.

19. Needless to mention here that real brother of the petitioner is already granted validity of 'Halbi' Scheduled Tribe in pursuance to the order of this Court dated 06/08/2019 in Writ Petition No. 5098/2019. There is no dispute about the family tree. Someshkumar is the real brother of the petitioner. While deciding that petition all these documents are considered. It is held by this Court that Govinda Narayan is admittedly a great grand father of the petitioner. The genuineness of this document is not disputed. The documents by and large, disclosed the social status of the persons mentioned therein as 'Halbi' tribe. It appears that Caste Scrutiny Committee discarded the document dated 26/06/1942, in respect of Bhagwan Govinda on the ground that in the school record in the declaration his caste is shown as 'Koshti Halbi', whereas, in the

admit cancel register dated 06/06/1942, there is entry of caste as 'Halbi'. It is the contention of the Caste Scrutiny Committee that the entry in admit cancel register ought to be as per affidavit and it appears that 'Halbi' entry is not as per affidavit and it is entered into to get benefit of the said entry. It is very surprising that Caste Scrutiny Committee has failed to appreciate that the entry is of 1942 and there is no reason whatsoever to enter in the school record as 'Halbi' as on that date forefathers of petitioner were not aware that 'Halbi' will be included in Scheduled Tribe order after 1950. In fact, the document which was collected by the Vigilance Cell about declaration in the school is concerned, admittedly, the father of the Bhagwan namely Govinda is uneducated person as his thumb impression is there and most important is that it is declaration to the effect that the father Govinda gave date of birth on affidavit of his child. On perusal of that declaration, it is clear that there is no column of caste. As such, objection to consider this document is unsustainable, specifically, when, there are earlier entries of 1915, 1944, 1936, 1938, 22/06/1945, showing caste 'Halbi' of the blood relatives of the petitioner and those were not discussed by the Caste Scrutiny Committee.

20. Learned Counsel for the petitioner placed reliance on Mah. Adiwasi Thakur Jamat Swarakshan Samiti (supra), wherein, the Hon'ble Apex Court held as under in paragraph No. 38 as under:

"38. Thus, to conclude, we hold that :

(a) Only when the Scrutiny Committee after holding an enquiry is not satisfied with the material produced by the applicant, the case can be referred to Vigilance Cell. While referring the case to Vigilance Cell, the Scrutiny Committee must record brief reasons for coming to the conclusion that it is not satisfied with the material produced by the applicant. Only after a case is referred to the Vigilance Cell for making enquiry, an occasion for the conduct of affinity test will arise.

(b) For the reasons which we have recorded, affinity test cannot be conclusive either way. When an affinity test is conducted by the Vigilance Cell, the result of the test along with all other material on record having probative value will have to be taken into consideration by the Scrutiny Committee for deciding the caste validity claim; and

(c) In short, affinity test is not a litmus test to decide a caste claim and is not an essential part in the process of the determination of correctness of a caste or tribe claim in every case."

21. It is one of the contention that the caste certificate was invalidated in respect of uncle of the petitioner i.e. Dhananjay Katole. However, he has not challenged the same. Therefore, it has attained finality.

22. Learned Counsel for petitioner relied on Mangesh s/o Panditrao Thakur (supra), wherein, this Court held in paragraph No. 13 as under :

"13. True it is that there is an invalidation of Jyoti Narayan Vishve's certificate

and the order has attained finality right up to the Supreme Court. However, we have been consistently holding that the decision of the scrutiny committee would only bind the claimant and would not bind the blood relatives, for the simple reason that they are not parties to such adjudication and that a blood relative may be able to substantiate his claim by leading cogent and relevant evidence sufficient enough to discharge the burden cast upon him under section 8 of the Maharashtra Act No. XXIII of 2001.”

23. It is finding recorded by the Caste Scrutiny Committee that some of the blood relatives obtained caste certificate as belonging to Special Backward Classes.

24. Learned Counsel for the petitioner relied on Nishant s/o Sudhir Narnaware, (supra), wherein, in the matter of ‘Mana’ Scheduled Tribe, which was earlier in Special Backward Classes and subsequently it was removed therefrom and included in the category of Scheduled Tribe. In such circumstances, the petitioner therein was granted validity certificate belonging to Scheduled Tribe. In the present matter in view of position then existing ‘Halba’, ‘Halba Koshti’ were enlisted in Special Backward Classes, subsequently they were removed.

25. It is submitted by the learned Assistant Government Pleader that the Caste Scrutiny Committee specifically relied on the sale-deeds executed by the persons in blood relations of the petitioner, wherein, they have stated that they do not belong to Scheduled Tribe. In this regard petitioner in reply denied their relationship. Learned Counsel placed reliance on Writ Petition No. 8261/2023, Ashok s/o Madhav Ingle and another (supra), wherein, this aspect is considered. In present matter, the documents in which the parties have mentioned that they do not belong to Scheduled Tribe have not specifically mentioned any other caste or tribe to which they belong. Moreover, these documents are ranging from 2005 to 2020. These documents will never prevail over the pre constitutional documents, wherein, caste of the forefathers of the petitioner is shown as ‘Halbi’, such statement made in these documents clearly indicate that either they are not in relation of petitioner or it is made with an intention to avail permission from the Collector to sell the land. Thus, this cannot be the ground not to consider pre-constitutional documents having great probative value.

26. Learned Counsel for the petitioner also placed reliance on Anand (supra), wherein, Hon’ble Apex Court held in paragraph No. 18 sub Clause (ii) as under:

“18.....

(i).....

(ii) While applying the affinity test, which focuses on the ethnological connections with the scheduled tribe, a cautious approach has to be adopted. A few decades ago, when the tribes were somewhat immune to the cultural development happening around them, the affinity test could serve as a determinative factor. However, with the migrations, modernisation and contact with other

communities, these communities tend to develop and adopt new traits which may not essentially match with the traditional characteristics of the tribe. Hence, affinity test may not be regarded as a litmus test for establishing the link of the applicant with a Scheduled Tribe. Nevertheless, the claim by an applicant that he is a part of a scheduled tribe and is entitled to the benefit extended to that tribe, cannot per se be disregarded on the ground that his present traits do not match his tribes' peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. Thus, the affinity test may be used to corroborate the documentary evidence and should not be the sole criteria to reject a claim."

27. As real brother of petitioner was granted validity in pursuance to the order passed by this Court, the learned Counsel for the petitioner submits that in view of the judgment of Apoorva d/o Vinay Nichale (supra), the certificate needs to be issued in favour of the petitioner, specifically when it is duly established by producing old documents on record prior to 1950, showing tribe of the forefathers of the petitioner as 'Halbi'. This Court in the matter held as under :

"9. ...In the circumstances, we are of the view that the committee which has expressed a doubt about the validity of caste claim of the petitioner and has described it as a mistake in its order, ought not to have arrived at a different conclusion. The matters pertaining to validity of caste have a great impact on the candidate as well as on the future generations in many matters varying from marriage to education and enjoyment, and therefore where a Committee has given a finding about the validity of the caste of a candidate another committee ought not to refuse the same status to a blood relative who applies. A merely different view on the same facts would not entitle the committee dealing with the subsequent caste claim to reject it. There is, however, no doubt as observed by us earlier that if a committee is of the view that the earlier certificate is obtained by fraud it would not be bound to follow the earlier caste validity certificate and is entitled to refuse the caste claim and also in addition initiate proceedings for cancellation of the earlier order."

28. Similarly, petitioner placed reliance on judgment in Priya Pravin Parate (supra), as the Committee has disbelieved the documents on the basis of entry 'Halbi Koshti', this Court in paragraph No. 10 held as under:

"10. Insofar as the reliance on some of the entries pertaining to petitioners relatives from paternal side showing caste to be 'Koshti' on which Mr. Deshpande, learned Counsel relies, are concerned, perusal of the said document would reveal that though the caste of the said person is written as Koshti, the profession is also shown as weaving. As can be seen from the Gazetteer of Amravati District, that Halbi's in erstwhile Ellichpur and Anjangaon Surji in Daryapur Taluq in Amravati District were also engaged in the profession of weaving. It is common knowledge that persons engaged in the profession of weaving were called as "Koshti". A possibility cannot be ruled out that due to this, said entries might have recorded. It is also relevant to refer to some portion from the authority of

R.V. Russell on Tribes and Castes of the Central Provinces of India, published in 1916, wherein while dealing with the Halba Tribe, it has been stated that "Some of these soldiers may have migrated west and taken service under the Gond Kings of Chanda, and their descendants may now be represented by the Bhandara Zamindars, who, however, if this theory be correct, have entirely forgotten their origin. Others took up weaving and have become amalgamated with the Koshti caste in Bhandara and Berar."

29. This Court placed reliance on the Authority of R.V. Russell on tribe. Thus, considering the documents, law position, we are of the considered opinion that the petitioners have duly established that they belong to tribe 'Halbi' Scheduled Tribe. Thus, impugned orders being perverse, arbitrary and unsustainable and are liable to be set aside. Accordingly, we proceed to pass following order :

ORDER

- i) Writ Petitions are allowed.
- ii) Impugned orders dated 31/10/2023, in Case Nos. 11/510/Edu/122021/37 (Sauravkumar Sunilkumar Katole) and Case No. 5-ST/2/012/10796 (Sunilkumar Madhukar Katole), passed by the Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal, are hereby quashed and set aside.
- iii) It is declared that petitioners have duly established that they belong to 'Halbi' Scheduled Tribe.
- iv) The Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal, to issue validity certificate to the petitioners as they belong to 'Halbi' Scheduled Tribe, within a period of two weeks.
- v) The petitioners are at liberty to rely on the judgment of this Court, if necessary, till issuance of validity certificate by the respondent, the Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal.