



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

WRIT PETITION No.7922 OF 2022 WITH  
WRIT PETITION No.7370 OF 2022

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WRIT PETITION No.7922 OF 2022

Gayatri Krantikumar Sagar,  
Aged 48 years, Occu. Service,  
R/o. At Post Gurudeo Nagar,  
Jawala, Tah. Arni,  
District Yavatmal-445 105.

: PETITIONER

...VERSUS...

1. Scheduled Tribe Caste Scrutiny Committee,  
Irwin Chowk, Amravati,  
through its Deputy Director/Member Secretary,

2. Zilla Parishad, Yavatmal,  
through its Chief Executive Officer,  
District- Yavatmal.

: RESPONDENTS

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Mr. C.R. Sharma, Advocate for Petitioner.

Mrs. H.S. Dhande, Assistant Government Pleader for Respondent No.1.

Mr. V.M. Kulsange, Advocate for Respondent No.2.

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WITH

WRIT PETITION No.7370 OF 2022

Vedant S/o Vivek Sagar,  
Aged about 18 years, Occu: Student,  
R/o. Near Harve Sabhapati Ground,  
Old Cotton Market Road, Amravati,  
District- Amravati.

: PETITIONER

**...VERSUS...**

Scheduled Tribe Caste Scrutiny Committee,  
 Irwin Chowk, Amravati,  
 through its Deputy Director/  
 Member Secretary.

: RESPONDENT

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 Mr. T.U. Tathod, Advocate for Petitioner.

Mrs. H.S. Dhande, Assistant Government Pleader for Respondent.

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**CORAM** : **SMT. M.S. JAWALKAR AND**  
**NANDESH S. DESHPANDE, JJ.**  
**RESERVED ON** : **10<sup>th</sup> FEBRUARY, 2026.**  
**PRONOUNCED ON** : **12<sup>th</sup> MARCH, 2026.**

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

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.
2. Gayatri Krantikumar Sagar (Writ Petition No.7922 of 2022) is the paternal aunt of Vedant Vivek Sagar (Writ Petition No.7370 of 2022), both belonging to the same family. While Gayatri is an Assistant Teacher serving with respondent No. 2, Zilla Parishad, Yavatmal since 16.11.1996, Vedant is a student who, consequent upon the impugned order, lost his confirmed seat at Ram Meghe Institute of Engineering, Amravati for the B.E. Course under the Scheduled Tribe category. Both petitioners challenged the common order dated 11.11.2022 passed by Respondent No. 1, the Scheduled Tribe Caste Scrutiny Committee, Amravati (for short

‘the Committee’), received on 14.11.2022, whereby their caste claims towards ‘Raj’ Scheduled Tribe recognized at Entry No. 18 of the Constitution (Scheduled Tribes) Order, 1950 are rejected and their respective Caste Certificates issued by the Sub-Divisional Officer, Amravati are cancelled.

3. Learned counsel for the petitioners submits that in support of their caste claim, the petitioners have relied upon the following pre-independence documents, all of which bear the entry ‘Raj’ :

Sr. No	Document	Name	Relation to petitioners	Date	Caste
1	Sale-Deed	Balaji Viroba Raj	Great-great-grandfather	12.09.1918	Raj
2	Sale-Deed	Tryambak Viroba Raj	Cousin great-great-grandfather	05.07.1918	Raj
3	Sale-Deed	Balu Iroba & Tryambak Iroba Raj	Cousin great-great-grandfather	03.05.1917	Raj
4	Rights Register Entry	Shankar, Tryambak	Cousin great-great-grandfather	1913	Raj
5	Sale-Deed	Balu s/o Iroba Raj	Cousin great-great-grandfather	01.05.1916 (wrongly mentioned as 01.01.1916)	Raj
6	Sale-Deed	Jijabai	Wife of great-grandfather	26.02.1947	Raj

4. Learned counsel further submits that the petitioner in Writ Petition No.7922 of 2022 had earlier approached this Court in Writ Petition No.3840/2009, when respondent No.2 issued a communication dated 05.08.2009 directing her to produce a validity certificate. This Court by order dated 20.11.2009 directed the Committee to decide the claim and restrained respondent No. 2 from disturbing her services. The petitioner has since completed 26 years of unblemished service and now faces coercive action pursuant to the impugned order.

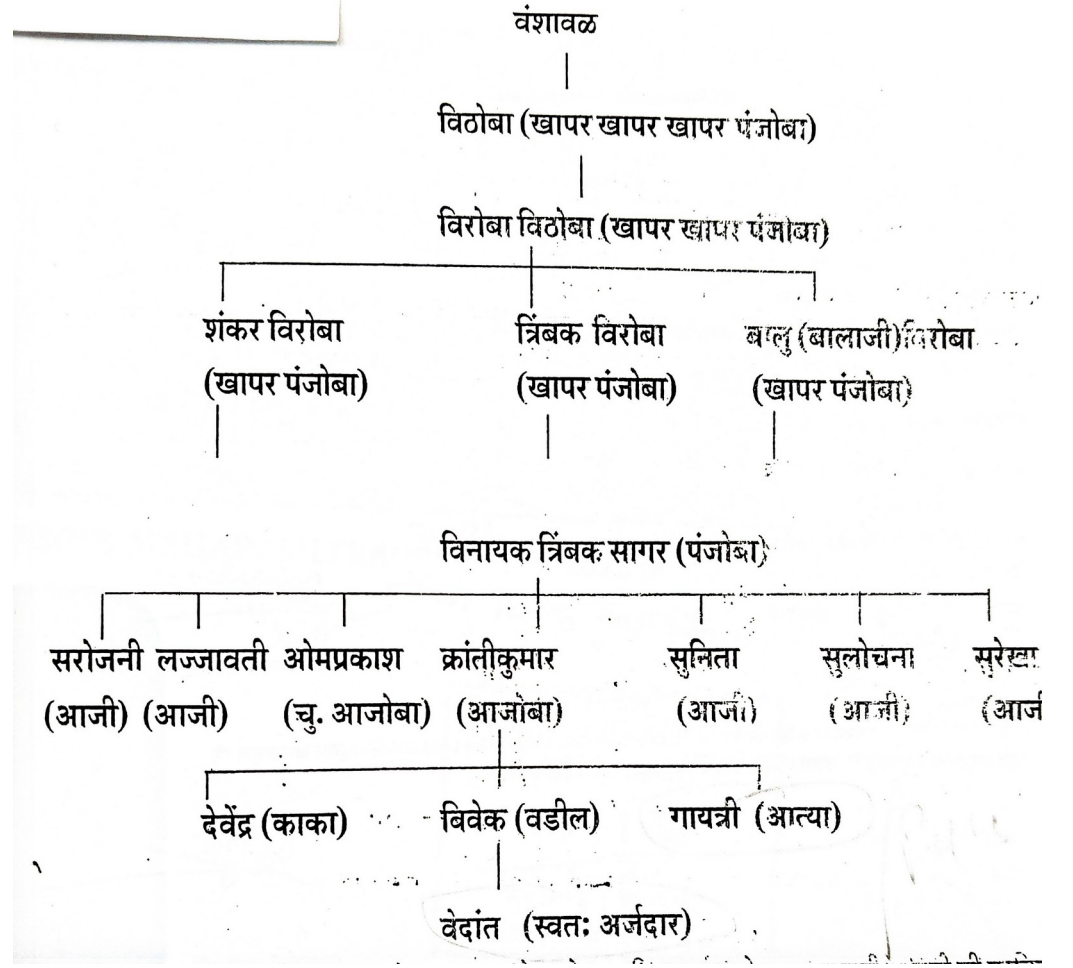
5. The Committee issued a show cause notice dated 20.10.2022 enclosing the Police Vigilance Cell Report, which contained entries of 'Gawandi' in the Kotwal Book and 'Maratha' in the birth register, treating the same as contrary to the claim. Both petitioners filed a detailed reply dated 31.10.2022 explaining that 'Gawandi' refers to the occupation ('Rajkam' Gawandikam) of the Raj community and not to the caste and that such entries were recorded inadvertently during the pre-independence era. Despite the said reply and the documentary evidence on record, the Committee passed the impugned order dated 11.11.2022 rejecting the caste claims.

6. Learned counsel further submits that the Committee

acted perversely in relying solely upon the contra entries of 'Gawandi' and 'Maratha' from the Vigilance Cell Report while ignoring the overwhelming pre-independence documentary evidence clearly bearing the entry 'Raj'. It is submitted that 'Gawandi' denotes the occupation of the Raj community and not the caste, as specifically explained in the reply dated 31.10.2022, which the Committee failed to appreciate.

7. It is further submitted that the Committee erroneously applied the socio-cultural affinity test as the sole criterion to reject the claim, contrary to the law laid down in **Anand Vs. Committee for Scrutiny [2011(6) Mh.L.J. 919]**, and wrongly observed that since the forefathers were educated prior to independence, they belonged to mainstream society — an observation contrary to the settled position that entries in the Scheduled Tribes Order by Presidential Notification must be read as they are, without any further enquiry. Further reliance is placed on Writ Petition No.54 of 2000.

8. For the sake of brevity, the family tree of the petitioners is reproduced below :



9. Per contra, learned counsel for the respondent-Committee supported the impugned order and submitted that the Vigilance Cell conducted its enquiry in accordance with the guidelines laid down by the Hon'ble Supreme Court in **Ku. Madhuri Patil Vs. Additional Commissioner & Ors. [(AIR 1995 SC 94)]** and submitted its report on 19.10.2022. The Vigilance Cell obtained the following documents adverse to the caste claim of the petitioners :

Sr. No	Document	Name	Relation to petitioners	Date	Caste Entry
1	Revenue Proof (Death Extract)	Viroba Vidhoba v.	Great-grandfather	12.08.1915	Gawandi
2	Revenue Proof (Death Extract)	Tryambak Viroba	Grandfather	09.09.1920	Gawandi
3	Revenue Proof (Death Extract)	New born baby, father Tryambak	Child of Grandfather	02.10.1933	Gawandi
4	Birth Register Extract	Vinayakrao Tryambak	Grandfather	12.01.1949	Maratha
5	Kharij Register Extract	Devendra Krantikumar Sagar	Real Brother of Petitioner	02.07.1984	Raj (overwriting)

10. It is submitted that the entries of 'Gawandi', 'Maratha', and 'Raj' (with overwriting) found in the above documents spanning from 1915 to 1984 clearly demonstrate that the petitioners' family does not belong to 'Raj' Scheduled Tribe. It is further submitted that 'Gawandi' is a recognized O.B.C. caste listed at Entry No.45 in the O.B.C. list of Maharashtra, and that in Vidarbha, 'Gawandikam' is also known as 'Rajkam', which explains why certain entries appear as 'Raj' referring to the occupation of mason and not to the Scheduled Tribe. The overwriting in the

entry of the petitioners' real brother further creates serious doubt about the genuineness of the documents and raises an inference of fraud.

11. It is further submitted that the identical issue of 'Raj'/'Gawandi' nomenclature was considered and conclusively decided by this Court in *Vijay Shankar Pinjarkar v. State (Writ Petition No.4277/2001, order dated 25.02.2002)*, wherein this Court upheld the invalidation order of the Committee. The said order was upheld in *Review Petition No.311/2003 (order dated 15.06.2007)* and the Hon'ble Apex Court in *Civil Appeal No. 2182-2183/2011* did not disturb the findings of this Hon'ble Court or the Committee, thereby confirming the finality of the invalidation order.

12. It is further submitted that the reliance placed by the petitioners upon **Anand Nilkanth Katole Vs. Committee for Scrutiny [2011(6) Mh.L.J. 919]** is misplaced, as the State of Maharashtra has filed Special Leave Petition No.10240/2014 and Special Leave Petition No.17805/2014 before the Hon'ble Apex Court challenging the said judgment, and the Adiwasi Halba/Halbi Samaj Sanghtana has also filed Special Leave Petition No.001101/2016 against the same, all of which are pending. It is submitted that the Committee

correctly found that the petitioners failed to prove socio-cultural affinity with 'Raj' Scheduled Tribe and the impugned order dated 11.11.2022 is just, proper, and in accordance with law, and deserves to be upheld.

13. Having considered the rival submissions and perused the record, we find considerable merit in the case of the petitioners. The core error committed by the Scrutiny Committee is strikingly similar to the one noticed by this Court in *Prashant Damodarrao Pinjarkar v. State of Maharashtra & Ors., Writ Petition No. 54 of 2000, decided on 06.10.2017*, where the Committee had rejected a 'Raj' Scheduled Tribe claim by ignoring several old school records of close paternal relatives showing caste as 'Raj' and by placing undue emphasis on two certificates showing 'Gawandi'. In *Prashant Pinjarkar*, the Division Bench held that 'Gawandi' referred to the occupation of masonry, that the caste 'Raj' stood consistently recorded in earlier documents of the father, grandfather, uncle and cousins, and that the Committee could not have resorted to a piecemeal and hyper-technical appreciation of material while discarding such important documents; the invalidation was therefore quashed and validity was directed to be issued.

14. The Committee's reliance on *Vijay Shankar Pinjarkar v.*

*State (Writ Petition No.4277/2001, decided on 25.02.2002)* is clearly misplaced, as that decision involved a different set of documents and family members where the 'Raj' claim was not supported by sufficient pre-independence records. This position has been clarified by this Court in *Ram s/o Balkrushna Pinjarkar & Ors. v. The Scheduled Tribes Caste Certificate Scrutiny Committee & Ors., Writ Petition No. 5384 of 2019*, decided on 25.07.2022, where the Committee had rejected 'Ra' claims of the same Pinjarkar family by mechanically relying on Vijay Shankar's invalidation and certain 'Gawandi' entries, despite the Vigilance Cell collecting documents showing ancestors as 'Raj'. Thus, the Vijay Shankar's case could not operate as a binding precedent against other who produced better old documents, Further decision in Prashant Pinjarkar (supra) declaration as 'Raj' Scheduled Tribe was binding on the Committee, and that stray 'Gawandi' entries could not outweigh consistent pre-independence 'Raj' records.

15. The present case is on identical footing, the petitioners have produced multiple pre-independence sale-deeds and rights-register entries (1913-1947) showing forefathers as 'Raj', while the Committee over-relied on three 'Gawandi' death extracts, one 'Maratha' birth entry and one overwritten 'Raj' entry, ignoring their

explanation that 'Gawandi' denotes occupation (mason/'Rajkam'). In fact, the oldest document of the year 1913 shows caste as 'Raj'. But the impugned order shows that no caste is mentioned in this document, which is factually incorrect. This Court, in a catena of judgments, has consistently held that rejection of a document merely on the ground of variance in handwriting or overwriting, without the support of expert opinion or forensic evidence, is wholly unsustainable and amounts to recording a finding without jurisdictional foundation. Even assuming the Kharij register entry of 02.07.1984 carries overwriting of 'Raj', the same cannot discredit the entire claim when the petitioners' other pre-independence documents (1913-1947) consistently and unequivocally record the caste as 'Raj' in the paternal lineage, thereby furnishing a robust and independent foundation for the claim. Hon'ble Supreme Court in **Anand v. Committee for Scrutiny and Verification of Tribe Claims (2012) 1 SCC 113**, the held that genuine pre-independence records carry greater probative value than post-independence entries and that affinity test is only corroborative where documents are weak.

16. The Committee's approach and non-consideration of pre-independence 'Raj' documents, over-emphasis on stray contra entries, and cursory invocation of affinity test is contrary to **Ku.**

**Madhuri Patil v. Addl. Commissioner, Tribal Development, AIR 1995 SC 94, Anand (supra), Prashant Pinjarkar and Ram Balkrushna Pinjarkar (supra).**

17. We are, therefore, of the considered opinion that the common order dated 11.11.2022 passed by respondent No.1 Scheduled Tribe Caste Scrutiny Committee, Amravati, is unsustainable in law and liable to be quashed and set aside. Accordingly, we pass the following order :

**ORDER**

- (i) Writ Petition Nos.7922 of 2022 and Writ Petition No.7370 of 2022 are allowed.
- (ii) The common order in both the writ petitions dated 11.11.2022 passed by the Caste Scrutiny Committee, Amravati is quashed and set aside.
- (iii) It is declared that petitioners Gayatri Krantikumar Sagar and Vedant Vivek Sagar belong to 'Raj' Scheduled Tribe at Entry No.18 of the Constitution (Scheduled Tribes) Order, 1950.
- (iv) The respondent No.1 – Scheduled Tribe Caste Scrutiny Committee, Amravati, is directed to issue tribe validity certificates certifying that the

petitioners belongs to 'Raj' in favour of both petitioners within a period of four weeks from today.

18. Rule is made absolute in above terms. No order as to costs.

(NANDESH S. DESHPANDE, J.)

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

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