



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

WRIT PETITION NO. 4969 OF 2024

Purushottam s/o Pandurang Sonkusare,
Aged about 58 years, Occ.- Service as a
Peon (Class IV employee) i.e. Kendra Sevak,
R/o. Savaipura, Achalpur,
District Amravati.

.... **PETITIONER**

// VERSUS //

- 1) **State of Maharashtra,**
through its Secretary, Ministry of Tribal
Welfare and Social Justice Department,
Mantralaya, Mumbai-400032.
- 2) **Scheduled Tribe Caste Certificate Scrutiny
Committee, Amravati Division Amravati,**
through Member Secretary.
- 3) **Welfare Commissioner** (under
Maharashtra Labour Welfare Board),
Hutatma Babu Ganu Mumbai Girni
Kamgar Krida Bhavan, Senapati Bapat
Marg, Elphinstan, Mumbai-400013.
- 4) **Assistant Welfare Commissioner,**
Divisional Office, Lalit Kala Bhawan,
Dabki Road, Bhim Nagar, Akola.

.... **RESPONDENTS**

Mr. N. C. Phadnis, Advocate for Petitioner.
Mr. A. V. Palshikar, Assistant Government Pleader for
Respondents.

**CORAM : MRS. M. S. JAWALKAR AND
M. W. CHANDWANI, JJ.**

**DATE ON RESERVING THE JUDGMENT : 03.11.2025
DATE ON PRONOUNCING THE JUDGMENT : 08.12.2025**

JUDGMENT : (Per – M. S. JAWALKAR, J.)

1. Heard. **RULE.** Rule is made returnable forthwith. Matter is taken up for final hearing at the stage of admission by consent of the parties and at the request of parties.

2. By this Petition, the Petitioner is challenging the impugned order dated 31/07/2024 passed by Respondent No. 2 - Scheduled Tribes Caste Certificate Scrutiny Committee, Amravati (hereinafter referred to as “the Caste Scrutiny Committee”), whereby the tribe claim of the Petitioner of belonging to ‘Halbi’ Scheduled Tribe came to be invalidated.

3. The facts giving rise for filing of the present Writ Petition are as under:-

4. The Petitioner was appointed as a Kendra Sevak/Peon with the Respondent Nos. 3 and 4 and since then, he is continuously working with the said Respondents. His tribe

claim was forwarded for verification to the Caste Scrutiny Committee. Thereafter, the Police Vigilance Cell obtained the report along with two entries of 'Koshti' and 'Rangari' of Ganpat Govinda and Govinda alleging the relationship as uncle and grandfather for the year 1944 and 1919 respectively. The Petitioner, by filing reply, specifically denied the said entries. Even during the pendency of the verification process, on 04/09/2020, the Petitioner filed as many as five documents of his blood relatives from the paternal side of Halbi entries. The Caste Scrutiny Committee, without considering the reply and the additional documents, invalidated the tribe claim of the Petitioner. The said order of the Caste Scrutiny Committee was challenged by the Petitioner before this Court by filing Writ Petition No. 4223/2021. This Court, by judgment dated 12/09/2023, remanded the matter back to the Caste Scrutiny Committee for fresh consideration.

5. It is submitted that after remand, the Committee, without any direction or reason, called for a second Police Vigilance Cell report and issued show cause notice dated 13/03/2024 to the Petitioner. Despite the Petitioner's detailed

reply dated 01/04/2024, his claim was again rejected on 31/07/2024. The said order is the subject matter of challenge in the present Writ Petition.

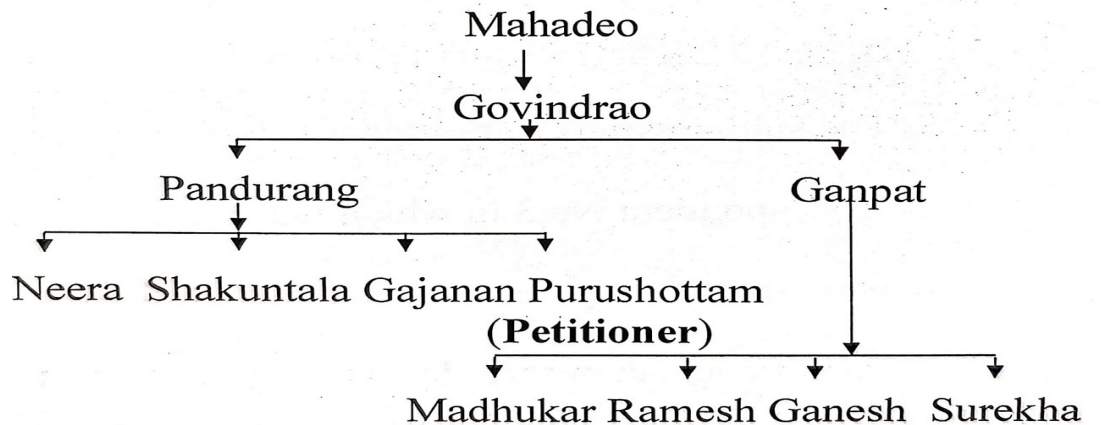
6. Learned Counsel for the Petitioner submits that despite several paternal-side documents evidencing 'Halbi' entries in favour of the Petitioner, the Caste Scrutiny Committee neither referred to nor considered them in its order and rejected the tribe claim of the Petitioner. It is further submitted that in the reply dated 29/01/2018, the Petitioner denied the '*Koshti*' and '*Rangari*' entries of Ganpat Govinda and Govinda, stating that his family lives in Sarmaspura and has no relatives in Nawapur, where those entries were found. It is submitted that Respondent No. 2 – Caste Scrutiny Committee, despite sufficient documentary evidence supporting the tribe claim of the Petitioner, relied on irrelevant records of unrelated persons and repeated the same act even after remand of the matter.

7. The Petitioner has produced the following documents before the Caste Scrutiny Committee in support of his claim:-

Sr.No	Document type	Relation with the petitioner	Tribe	Date
1.	Akhiv Patrika i.e. Revenue Entry of Pandurang Govindrao Halbi	Father	Halbi	25/06/1946
2.	Birth Entry of Neera Pandurang	Sister	Halbi	29/07/1947
3.	Dakhal Kharij Register Entry of Neera Pandurang	Sister	Halbi	29/06/1954-19/07/1957
4.	Dakhal Kharij Register Entry of Shakuntala Pandurang	Sister	Halbi	13/07/1961-30/04/1957
5.	Birth Entry of Pandurang Govindrao Halbi	Father	Halbi	03/06/1966
6.	Dakhal Kharij Register Entry of Gajanan Pandurang	Brother	Halbi	01/07/1968-30/04/1973
7.	Dakhal Kharij Register Entry of Pandurang Govindrao Halbi	Father	Halbi	03/07/1973-30/04/1977
8.	Revenue Entry/ Malmatta Patrak of Ganpat Govinda Halbi	Uncle	Halbi	21/05/1949
9.	School Transfer Certificate of Madhukar Ganpat Sonkusare	Cousin Brother	Halbi	02/04/1954-23/04/1958
10.	Dakhal Kharij Register Entry of Madhukar Ganpat Sonkusare	Cousin Brother	Halbi	02/04/1954-23/04/1958

11.	School Leaving Certificate of Ramesh Ganpat Sonkusare	Cousin Brother	Halbi	06/07/1944-10/04/1961
12.	Dakhal Kharij Register Entry of Ramesh Ganpat Sonkusare	Cousin Brother	Halbi	06/07/1944-10/04/1961
13.	School Transfer Certificate of Ganesh Ganpat Sonkusare	Cousin Brother	Halbi	18/04/1962-29/04/1967
14.	Dakhal Kharij Register Entry of Ganesh Ganpat Sonkusare	Cousin Brother	Halbi	18/04/1962-29/04/1967
15.	School Transfer Certificate of Surekha Ganpatrao Sonkusare	Cousin Sister	Halbi	19/08/1966-10/04/1968
16.	Dakhal Kharij Register Entry of Surekha Ganpatrao Sonkusare	Cousin Sister	Halbi	19/08/1966-10/04/1968

8. For the sake of convenience, the genealogy tree of the Petitioner is reproduced as under:-



9. Learned Counsel for the Petitioner, in support of his contentions, relied on the following citations:-

“(a) Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra & others, 2023(2) Mh.L.J. 785; &

(b) Writ Petition No. 4237/2022 (Dnyaneshwar S/o Shankarao Dongare) decision dated 11/08/2025”

10. As against this, the learned Assistant Government Pleader Mr. A.V. Palshikar for the Respondents submitted that the order passed by the Caste Scrutiny Committee is well reasoned order and as per law laid down by the Hon'ble Apex Court, therefore, there is no need to interference in the order passed by the Caste Scrutiny Committee. The Adverse entries highlighted and inferred by the Respondent No. 2 – Caste Scrutiny Committee is enlisted below :

Sr.No	Document type	Relation with the petitioner	Tribe	Date
1.	Birth Extract of Ganpat Govinda	Uncle	Koshti	1944
2.	Birth Extract entry of Govinda	Grandfather	Rangari	1919

11. Heard learned Counsel for the respective parties at length. Perused the record and proceedings with the assistance of the learned Assistant Government Pleader and considered the citations relied upon by the Petitioner.

12. The Petitioner has placed on record as many as 16 documents, out of which, some documents are of prior to 1950 and some are prior to cut off date and 10 documents pertaining to year of 1952 to 1975. In spite of several documents from the paternal side, the caste claim of the Petitioner is rejected on the ground that there are two entries, one is of 'Koshti' and one is of 'Rangari' of Ganpat Govinda and Govinda. In fact, it is a second round of litigation. The Petitioner already filed a Writ Petition No. 4223/2021, in which this Court by Judgment dated 12/09/2023, remanded the matter back to the Caste Scrutiny Committee for fresh consideration. However, the Caste Scrutiny Committee again directed to conduct the vigilance enquiry. The Petitioner filed his reply to the Show-cause Notice and Vigilance Report. However, on the same ground, the caste claim of the Petitioner came to be rejected.

13. It appears that the Caste Scrutiny Committee heavily relied on the entries of 'Koshti' and 'Rangari'. On perusal of document dated 23rd June, 1920, it appears that there is a single entry of Govinda and there are no further details to connect the Govinda with the family of the Petitioner. Moreover, the residence is shown as 'Savaipura', whereas the Petitioner's family is from Sarmaspura. Similarly, the entry of 1926 showing Govinda Rangari gave birth to a child also cannot be relied upon as there are no details of Govinda. Moreover, the said Govinda is the resident of Savaipura whereas the family of the Petitioner is of Sarmaspura. Similarly, there is no person by the name Ganpat S/o Govinda. Only on the basis of similarity of the name, the Caste Scrutiny Committee relied on these documents, in fact, there is a son Ganpat to Govinda and not *vice versa*. If the entries are perused, it appears that the said Ganpat Govinda 'Koshti' is of Anwarpura whereas the family of the Petitioner is of Sarmaspura.

14. The learned Counsel for the Petitioner relied on the ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti*** (supra),

wherein the Hon'ble Apex Court in para 20 and 36 held as under:

“20. It is not possible to exhaustively lay down in which cases the Scrutiny Committee must refer the case to Vigilance Cell. One of the tests is as laid down in the case of Kumari Madhuri Patil. It lays down that the documents of the pre-Constitution period showing the caste of the applicant and their ancestors have got the highest probative value. For example, if an applicant is able to produce authentic and genuine documents of the pre-Constitution period showing that he belongs to a tribal community, there is no reason to discard his claim as prior to 1950, there were no reservations provided to the Tribes included in the ST order. In such a case, a reference to Vigilance Cell is not warranted at all.

36. 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.”

15. The learned Counsel for the Petitioner also placed reliance on *Writ Petition No. 4237/2022* (supra), wherein this Court relied on the Judgment in the case of *Anand .vs. Committee for Scrutiny and Verification of Tribe Claims and others*, reported in *2011 (6) Mh.L.J. 919*, wherein the Hon'ble Supreme Court has observed in paras 18 and 19 as under :

18. It is manifest from the afore-extracted paragraph that the genuineness of a caste claim has to be considered not only on a thorough examination of the documents submitted in support of the claim but also on the affinity test, which would include the anthropological and ethnological traits etc., of the applicant. However, it is neither feasible nor desirable to lay down an absolute rule, which could be applied mechanically to examine a caste claim. Nevertheless, we feel that the following broad parameters could be kept in view while dealing with a caste claim:

(i) While dealing with documentary evidence, greater reliance may be placed on pre-Independence documents because they furnish a higher degree of probative value to the declaration of status of a caste, as compared to post-Independence documents. In case the applicant is the first generation ever to attend school, the availability of any documentary evidence becomes difficult, but that ipso facto does not call for the rejection of his claim. In fact the mere fact that he is the first generation ever to attend school, some benefit of doubt in favour of the applicant may be given. Needless to add that in the event of a doubt on the credibility of a document, its veracity has to be tested on the basis of oral evidence, for which an opportunity has to be afforded to the applicant;

(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.

19. Needless to add that the burden of proving the caste claim is upon the applicant. He has to produce all the requisite documents in support of his claim. The Caste Scrutiny Committee merely performs the role of verification of the claim and therefore, can only scrutinise the documents and material produced by the applicant. In case, the material produced by the applicant does not prove his claim, the Committee cannot gather evidence on its own to prove or disprove his claim.”

16. It appears that the documents which are submitted by the Petitioner are verified by the Vigilance Cell and appear to be genuine. It also appears that the Caste Scrutiny Committee has not considered the reply filed by the Petitioner and recorded its finding against the Petitioner. In fact, it is admitted by the Scrutiny Committee that the documents at Sr. Nos.5, 6, 8, 10 to 15, 22 to 28 are the documents of the persons related through paternal side of the Petitioner wherein their caste is showing in the school records and revenue records as ‘Halbi’. Still the Caste Scrutiny Committee relied on the above referred entries of ‘Koshti’ and ‘Rangari’, which are of the persons not related to the Petitioner. In view thereof, the order passed by the Caste Scrutiny Committee, relying on the irrelevant documents is

erroneous, perverse and liable to be quashed and set aside.

Accordingly, we proceed to pass following order :

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 31/07/2024, passed in case No. सआ/अजप्रतस/अम/पीपीएस/326/2013/2021, passed by the Respondent No.2 – Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati is hereby quashed and set aside.
- (iii) It is declared that the Petitioner duly established that he belongs to “Halbi” Scheduled Tribe.
- (iv) The Respondent No.2 – Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati is hereby directed to issue the validity certificates of “**Halbi**” Scheduled Tribe to the Petitioner within a period of three weeks.

17. Rule is made absolute in the above terms. No order as to costs. Pending application(s), if any, stand(s) disposed of.

(M. W. CHANDWANI, J.)

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