



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

**WRIT PETITION NO. 6140 OF 2022**

Mr. Mohan S/o Jaywant Khate  
 age 27 years, Occ : Service  
 R/o. At Post Yawali,  
 Tah. & District Yavatmal

}

**.. Petitioner**

**Versus**

1. Vice Chairman & Member  
 Secretary, The Scheduled Tribe  
 Certificate Scrutiny Committee,  
 Amravati, Opposite of Office of State  
 Information Commission,  
 Chaprashipura, Amravati.
2. Deputy Forest Conservator,  
 Forest Department, Bhandara Office  
 at Jaistamb Square, in front of  
 Collector Office, Bhandara
3. Range Forest Officer,  
 Forest Area, Sakoli, National  
 Highway No.6, Main Road, Sakoli,  
 Tah. Sakoli, District Bhandara

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**.. Respondents**

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 Mr. Ananta Ramteke, Advocate for petitioner.  
 Mr. A.A.Madiwale, AGP for respondents.  
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**CORAM : AVINASH G. GHAROTE AND**  
**ABHAY J. MANTRI, JJ.**

**DATED : APRIL 01, 2025**

**ORAL JUDGMENT (PER : ABHAY J. MANTRI, J.)**

Heard. **Rule.** Rule is made returnable forthwith. Heard finally with the consent of the learned counsel appearing for the parties.

(2) The petition questions the order dated 22/12/2021, passed by the respondent No.1, the Scheduled Tribe Certificate Scrutiny Committee, Amravati (hereinafter referred to as "**the Committee**"), thereby invalidating the claim of the petitioner that he belongs to "**Mana**", a Scheduled Tribe. The petitioner also seeks direction against Respondents Nos. 2 and 3 not to take coercive action pursuant to the impugned order.

(3) The petitioner claims that he belongs to "**Mana**", a Scheduled Tribe; accordingly, the Sub-Divisional Officer, Yavatmal, had issued a Tribe certificate in his favour on 18/09/2018. On 30/09/2019, he was appointed as '*Forest Guard*' on the post reserved for the Scheduled Tribe category. Accordingly, he has submitted his caste certificate along with relevant documents to the respondent No.2 Authority, who forwarded them to the respondent No.1 Committee for verification.

(4) Since the Committee was dissatisfied with the documents submitted by the petitioner, it had forwarded the same to the Vigilance Cell for a detailed enquiry. Pursuant to the same, the Vigilance Cell had conducted an enquiry and submitted its report to the Committee on 02/08/2021, observing that some adverse entries were found against the petitioner's claim during the enquiry. The Committee vide show-cause notice dated 27/10/2021 called upon the petitioner to

submit his explanation to the said adverse entries. In response, he had submitted an explanation before the Committee on 08/12/2021. Pursuant to the notice, the elder brother of the petitioner, namely, Namdev Jaywant Khate, appeared before the Committee for a hearing; however, the applicant was absent. After affording an opportunity of hearing to the petitioner's brother, considering the Vigilance Cell report and documents on record, the respondent No.1 Committee vide impugned order dated 22/12/2021, rejected the Tribe Claim of the petitioner, hence this petition.

**(5)** Learned counsel Mr. Ramteke, while assailing the impugned order, submitted that the petitioner produced as many as 14 documents in support of his claim, out of which the document dated 29/11/1945 is pre-Constitutional era, pertaining to his great-grandfather Sakharam S/o Raghu and other documents. The documents' genuineness and authenticity were neither denied nor disputed by the Committee or Vigilance Cell. Therefore, there is no reason to discard those documents while considering the petitioner's claim. However, without considering the document of 1945, the Committee relied upon 04 documents, discovered by the Vigilance Cell during the enquiry, which were categorically denied by the petitioner and thereby erred in passing the impugned order. During the argument, he drew our attention to the document dated 29/11/1945.

(6) He further canvassed that the Committee has not considered the mandate laid down by the Hon'ble Apex Court in **Anand vs. Committee for Scrutiny and Verification of Tribe Claims and others 2011 (6) Mh.L.J. 919** and pointed out para 19 of the said judgment. Similarly, he has also relied upon the decision passed in **Writ Petition No.3554/2021, Umesh Jambore vs. Caste Scrutiny Committee** and **Gitesh Ghormare vs. S.T.Certificate Scrutiny Committee, 2018(4) Mh.L.J. 933** and argued that there is no separate caste or tribe by name "Mana-Kunbi"; however, said caste is included in the list of Scheduled Tribe category, therefore, he submitted that the caste described as "Mana-Kunbi" or "Mane" has to be treated as "Mana"

(7) He further contended that the respondent No.1 Committee erred in passing the order against the mandate laid down by this Court in **Gajanan Shende vs. Head Master Government Ashram School and others 2018(2) Mh.L.J.460** and **Mana Adim Jamat Mandal vs. State of Maharashtra and others 2003(3) Mh.L.J. 513**. Similarly, he submitted that petitioner's case is squarely covered by the judgment dated 15/10/2018 of this Court in Writ Petition No.4966/2018 **Yashwant Gajanan Nanavare vs. State of Maharashtra**, therefore, he submitted that passing of the impugned order is contrary to the mandate laid down by the above cited decisions, is illegal and liable to be quashed and set aside, accordingly urged for allowing the petition.

**(8)** While countering the above submission, Mr. Madiwale, learned Assistant Government Pleader has vehemently argued that during the Vigilance Cell enquiry, the Vigilance cell discovered 05 adverse entries from 1938 to 1965 pertaining to petitioner's great-grandfather, great-grandmother, and grandfather, wherein their caste have been recorded as "Mana Kunbi and Mani". Those documents are the oldest ones; therefore, the Committee has relied upon and rejected the petitioner's claim, observing that the petitioner has failed to discharge the burden that lies on him.

**(9)** He further canvassed that though the petitioner has denied those entries, he failed to satisfy his relationship with his great-grandfather, as the petitioner is also relying on the document dated 29/11/1945 pertaining to his great-grandfather, Sakharam S/o Raghu. Thus, he submitted that the order passed by the Committee is just, legal, and proper, and no interference is required.

**(10)** We have appreciated the rival submissions of the learned counsel for the parties and perused the record and judgment relied upon by the learned counsel for the petitioner. We have perused the original record of the Committee and returned it.

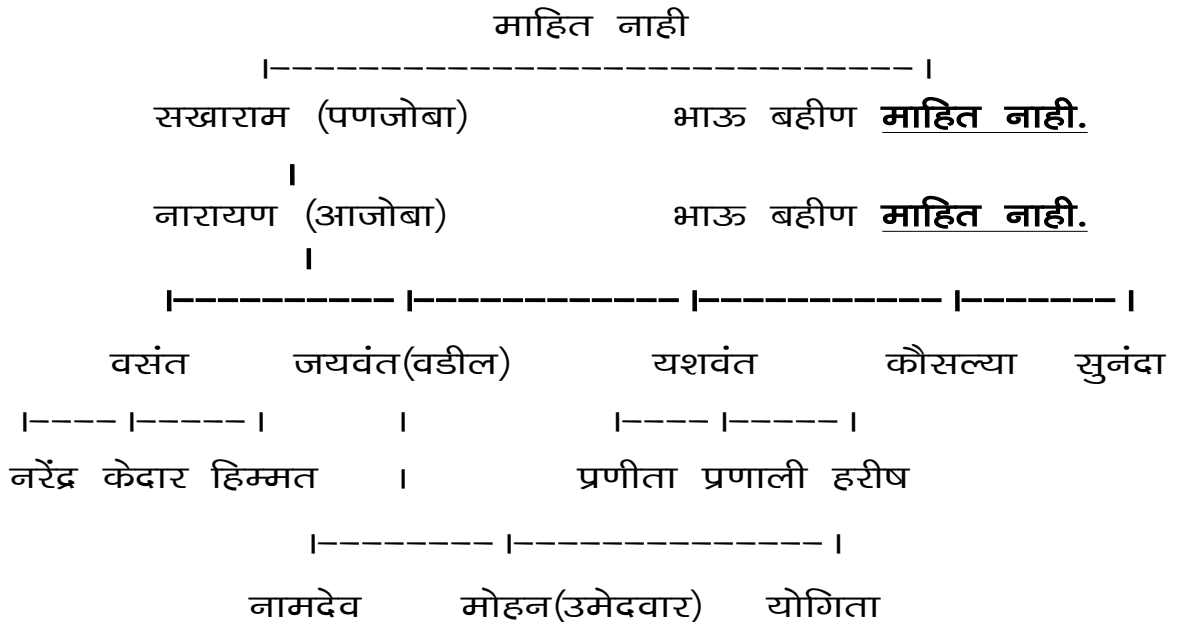
**(11)** At the outset, it is evident that the petitioner, to substantiate his claim, has submitted 14 documents, out of which the

document dated 29/11/1945 pertaining to his great-grandfather Sakharam S/o Raghu, wherein his caste was recorded as "*Mana*". The said document is a copy of an extract of the birth and death register, wherein an entry was taken that the son was born to Sakharam.

**(12)** On the contrary, during the enquiry, the Vigilance Cell discovered five documents from 1938 to 1965 pertaining to the petitioner's great-grandfather, great-grandmother, and grandfather, in which their caste was recorded as "Mana Kunbi and Mani." The committee considered the oldest document from 1938.

**(13)** It is pertinent to note that the petitioner by filing reply to the show cause notice has denied his relationship with the persons mentioned in the documents which was discovered by the Vigilance Cell during the enquiry, contending that they are not in his blood relations, however, by relying on document of 1945, the petitioner has admitted his relationship with Sakharam s/o Raghu as his great-grandfather. The vigilance cell has also discovered a document, i.e., an extract of the birth and death register of 1938, wherein it was recorded that one daughter was born to Sakharam S/o Raghu, who is the great-grandfather of the petitioner, and his caste had been recorded as "*Mana*". The said entry is the oldest one. However, in the explanation, it is contended that Narayan had no brother or sister and denied the said entry.

**(14)** In view of the anomaly about the relationship of the persons in the document, which the vigilance cell discovered, and the petitioner's explanation, it would be proper to reproduce the genealogical tree given by the petitioner. At the same time, as per Rule 4 of the Maharashtra Scheduled Castes, De-notified Tribes (Vmukt Jatis), Nomadic Tribes, Other Backward Classes, and Special Backward Category (Regulation of Issuance of Verification of) Caste Certificate Rules, 2012 (for short- '*the Rules of 2012*') as well as it was stated that Sakharam had no brother and sister. To ascertain the discrepancy in the aforesaid document and explanation given by the petitioner, it would be proper to reproduce the genealogical tree given by the petitioner:-



**(15)** On perusal of the above genealogical tree, it indicates that the petitioner does not know about the brothers and sisters of Sakharam and Narayan. He did not state that Sakharam and Narayan

had no brothers or sisters, but only mentioned that he did not know about them. In fact, as per Rules 4(1) and 14 of the Rules of 2012, it was incumbent upon the petitioner to submit the genealogical tree of his family along with Form No.3 and an affidavit.

**(16)** Under Rule 4 of the Rules 2012, a person who claims a caste certificate on account of belonging to a particular caste/tribe, for the purpose of grant of the same, is enjoined upon to submit in his application the entire family tree including the names of the persons to whom he had blood relations. The very purpose of submitting such a family tree is to enable the Committee, at the first instance, to establish the relationship between the persons named in the family tree so that the caste claim could be considered on its basis. It is therefore apparent that any person making an application for a caste claim has to place on record the entire family tree originating from a common ancestor, irrespective of whether any of them has been granted validity or not. This is so because, if the applicant is granted validity, the genealogical tree placed on record would then assist the Committee in a claim made by any other person in the genealogical tree to establish the relationship and thereby grant a validity certificate. This would clearly indicate that once the applicant places a genealogical tree, the same would be impermissible to be modified or corrected in order to show a relationship to a person who is claimed to have been granted



validity. However, this would be subject to an exception in case the genealogical tree on the basis of which validity has been granted to a person indicates the name of the applicant, who is now claiming the validity.

**(17)** One of the primary purposes of the genealogical tree is to explore and understand one's family history. It traces the lineage and ancestry of an individual, allowing them to discover the origins of their family. Therefore, it becomes important to document and maintain the stories and connections of past generations. The genealogical tree serves a critical role in verifying caste claims, as pre-Constitutional era documents have more probative value while considering the caste claim. Similarly, the requirement for a detailed genealogical tree aims to mitigate the risk of fraudulent claims.

**(18)** In view of the aforesaid mandate of the Rule, it was incumbent upon the petitioner to give the names of the brother and sister of Sakham and Narayan instead of stating that he does not know the same. However, while filing the explanation, he categorically stated that Narayan and Sakham had no brothers or sisters. The said explanation appears contrary to the genealogical tree given in support of his caste claim in Form-3. As in the genealogical tree he has categorically stated that he does not know whether Sakham and

Narayan were having brother or sister, but while filing explanation he said that they had no brother and sister, the explanation appears contrary to the genealogical tree given by the petitioner and therefore, cannot be taken into consideration.

**(19)** On perusal of the documents discovered by the Committee, it is evident that the Committee has found the extract of the birth and death register pertaining to the great-grandfather of the petitioner Sakharam s/o Raghu, in the said entry, it was mentioned that a daughter was born to Sakharam on 28/04/1938. His caste had been recorded as "**Mana Kunbi**", the said document being the oldest one, has more probative value than the other documents. Similarly, the extract of the death register pertaining to Sevati/Jevati D/o Sakaram indicates that she died on 02/10/1938 and her caste had been recorded as "**Mani**". The other three documents of 1951, 1962 and 1965 pertain to the great-grandfather of the petitioner Narayan, wherein his caste had been recorded as "**Mani**" contrary to the petitioner's claim.

**(20)** It is a settled principle that a person gets his caste by birth. Also, it is settled law that pre-Constitutional-era documents have greater probative value than subsequent documents. As such, the pre-Constitutional-era entries about the great-grandfather, grandfather, and grandmother of the petitioner, wherein entries were recorded as "Mana

Kunbi and Mani,” the petitioner owes an explanation about the same, which the petitioner has failed to furnish.

**(21)** Section 8 of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Act of 2000), cast burden on the petitioner to prove that the aforesaid entries are incorrect or that she belongs to “*Mana*” Scheduled Tribe. The fact remains that the petitioner has failed to discharge such burden. On the contrary, he admitted the said entries in explanation, stating that those entries are included in the “*Mana*” caste. However, we do not find substance in his contention in that regard, as the Hon’ble Supreme Court, in various judgments, has categorically held that entries have to be read as they are.

**(22)** Similarly, in ***Maroti Vyankati Gaikwad and others vs. Deputy Director & Member-Secretary, The Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and others [ Writ Petition No.12/2022 decided on 17/04/2023 ]*** Full Bench of this Court after considering various judgments of the hon’ble Apex Court, as well as this Court has categorically held that Scheduled Tribe “*Mana*” in entry 18 has to be read-only “***Mana***” and not as an umbrella or community

and therefore tribes with similar/synonymous names or names with prefix/suffix to "Mana" cannot claim any social status of a Scheduled Tribe. Para 17.7 of the said judgment reads thus:-

*17.7. It would thus be clear that any claim by any tribe, sub- tribe or parts of such tribe or sub-tribe whether having any similarity, prefix/suffix, synonymity, with the name of the tribe as mentioned in the Presidential (ST) Order 1950, of being included in such Scheduled Tribe, would not be permissible. No enquiry with respect to 15 such claims is permissible. No enquiry of any nature whatsoever is permissible with reference to any material, whatever it may be and in whatever form, to interpret or construe the entries in the Presidential (ST) Order 1950, which have to be read as it is. The Scheduled Tribe 'Mana', in Entry 18, has to be read as only and only 'Mana', and not as an umbrella or community and therefore tribes with similar/synonymous names or names with prefix/suffix to 'Mana' cannot claim any social status of a Scheduled Tribe. Thus persons belonging to tribes or sub-tribes such as 'Badwaik Mana', 'Khand Mana', 'Kshatriya Mana', 'Kshatriya Badwaik Mana', 'Kunbi Mana', 'Maratha Mana', 'Gond Mana', 'Mani'/'Mane', 'Mane Ku', 'Mana Ku', 'Ku Mana', 'Mana Kunbi', 'Patil Mana', etc. cannot be held to be included in the Scheduled Tribe 'Mana', in entry 18 in the Presidential (ST) Order 1950 and thus cannot claim the status of a Scheduled Tribe.*

**(23)** Bare perusal of the above dictum, it appears that this Court has categorically held that the persons ***belonging to tribes or sub-tribes such as 'Badwaik Mana', 'Khand Mana', 'Kshatriya Mana', 'Kshatriya Badwaik Mana', 'Kunbi Mana', 'Maratha Mana', 'Gond Mana', 'Mani'/'Mane', 'Mane Ku', 'Mana Ku', 'Ku Mana', 'Mana Kunbi', 'Patil Mana', etc. cannot be held to be included in the Scheduled Tribe "Mana", in entry 18 in the Presidential (ST) Order 1950. Thus, one cannot claim the status of a Mana Scheduled Tribe.***

**(24)** In such circumstances, in our opinion, the petitioner has failed to discharge the burden as contemplated under Section 8 of the Act of 2000, thereby holding that he belongs to the "Mana" Scheduled

Tribe. Similarly, the document of 1938 pertains to the great-grandfather and great-grandmother of the petitioner, Sakharam S/o Raghu, whose caste was recorded as "*Mana Kunbi and Mani.*" Those entries also seem adverse to the petitioner's claim. The petitioner failed to explain those adverse entries despite being granted an opportunity. There is no reason to disbelieve the said document.

**(25)** In this background, in our view, the petitioner cannot be said to belong to the "**Mana**" Scheduled Tribe. Further, in our opinion, the Committee is justified in recording the finding that the petitioner has failed to establish that he belongs to the "*Mana*" Scheduled Tribe. For all the aforementioned reasons, we are of the view that no case for causing interference in extraordinary jurisdiction is made out. As a result, the petition being bereft of merit, stands dismissed. No order as to costs.

**(26)** Rule is discharged.

[ **ABHAY J. MANTRI, J. ]**

[ **AVINASH G. GHAROTE, J. ]**

KOLHE