



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

WRIT PETITION NO. 5716/2018

Ashok Pochama Sallamwar,  
Aged 51 years, Occ. Service  
R/o. Village Allapalli, Tq.  
Gadchiroli, Dist. Gadchiroli

.....PETITIONER(S)

// **VERSUS** //

- (1) The State of Maharashtra,  
through Secretary, Tribal  
Development Department,  
Mantralaya, Mumbai
- (2) The Scheduled Tribe Certificate  
Scrutiny Committee,  
Gadchiroli, through its Member  
Secretary
- (3) The Sub Divisional Officer,  
Office of SDO, Aheri, District  
Gadchiroli
- (4) The Deputy Director Vocational  
Education & Training Regional  
Office, Nagpur
- (5) The Principal,  
Govt. Industrial Training  
Institute Allapalli, Tq. Aheri,  
District Gadchiroli

.....RESPONDENT(S)

.....  
Shri A.S. Golegaonkar and Shri R.D. Bhuibhar, Advocate for the  
Petitioner(s)  
Shri S.V. Narale, AGP for the Respondent/State  
.....

**CORAM : M.S. JAWALKAR & NANDESH S. DESHPANDE, JJ.**  
**CLOSED FOR JUDGMENT ON :- MARCH 30, 2026**  
**JUDGMENT PRONOUNCED ON :- APRIL 06, 2026**

**JUDGMENT :- (PER:- M.S. JAWALKAR, J.)**

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

(2)           By this Petition, the Petitioner is challenging the order dated 18.06.2018 passed by the Respondent No. 2 – Scheduled Tribe Certificate Scrutiny Committee, Gadchiroli (hereinafter referred to as “the Caste Certificate Scrutiny”) thereby invalidating the tribe claim of the Petitioner of belonging to ‘Mannewar’ Schedule Tribe.

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

(4)           The Petitioner has been working as Shilp Nideshak (Sandhata) i.e. Craft Instructor with the Respondent No. 5 Institute since 10.06.1999. The tribe claim of the Petitioner was

forwarded to the Respondent No. 2 – Caste Scrutiny Committee by the Respondent No. 5 - Institute for verification vide letter dated 27.09.2013.

(5) The Vigilance Report was forwarded on 08.03.2018, to which the Petitioner submitted his reply on 08.04.2018. The Petitioner has also submitted his objection letter dated 11.04.2018, thereby disputing the educational competency of the Research Officer and objected that he does not possess the requisite qualification to ascertain the affinity of the Petitioner with his alleged tribe. However, the Respondent No. 2 – Caste Scrutiny Committee, vide its order dated 18.06.2018, invalidated the tribe claim of the Petitioner. The said order dated 18.06.2018 is the subject matter of challenge in the present Writ Petition.

(6) Learned Counsel for the Petitioner submits that the Petitioner has submitted various documents in support of his tribe claim before the Respondent No. 2 – Caste Scrutiny Committee, out of which the oldest document is of 29.01.1945 which is in respect of Grandfather of the Petitioner namely Sallam Bhimdu S/o Bhupdu. The said document shows the tribe

as 'Mannewar'. Despite submission of the oldest document available with the Petitioner which is a pre-constitutional document, the Respondent No. 2 – Caste Scrutiny Committee invalidated the claim of the Petitioner.

(7) Learned Counsel for the Petitioner, in support of his contentions, relied on following citation:-

(a) Writ Petition No. 7419/2024 (Javedkha vs. Scheduled Tribe Caste Certificate Scrutiny Committee & others) judgment dated 13.08.2025 of this Court;

(b) Writ Petition No. 2594/2018 (Satyanarayan Yellaya Gare vs. Chief Executive Officer, Nagar Parishad, Desaiganj, Gadchiroli & others) judgment dated 14.01.2026 of this Court;

(c) Writ Petition No. 8048/2018 (Satyanarayan S/o Sadwali Boge vs. State of Maharashtra & another) judgment dated 04.11.2025 of this Court;

(d) Writ Petition No. 6134/2018 (Sainath Laxman Ganjiwar vs. State of Maharashtra & others) judgment dated 08.12.2025 of this Court; &

(e) Writ Petition No. 1212/2019 (Nikhil Sanjay Bodewar vs. State of Maharashtra) judgment dated 11.03.2025 of this Court.

(8) *Per contra*, learned AGP for the Respondent No. 2 – Caste Scrutiny Committee submits that the Caste Scrutiny Committee has procured following contra-entries which are adverse to the claim of the Petitioner:-

Sr. No	Description of the Documents	Relation with the Petitioner	Tribe	Dates
1	Dakhal Kharij extract of Pochya Bhima	Father	Manyapawar	01.05.1933
2	Dakhal Kharij extract of Venkati Pochya Sallam	Brother	Mannepawar	18.07.1960
3	Dakhal Kharij extract of Tara Pocham Sallam	Sister	Manne	28.07.1967
4	Dakhal Kharij extract of Shanta Pocham Sallam	Sister	Manne	28.07.1967

(9) The learned AGP for the Respondent No. 2 – Caste Scrutiny Committee further contended that the Petitioner could not prove socio-cultural affinity with ‘Mannewar’ Schedule Tribe, and therefore, the Respondent – Caste Scrutiny Committee has rightly rejected the tribe claim of the Petitioner, and hence, the order passed by the Caste Scrutiny Committee does not require any interference by this Court and the Writ Petition, being devoid of merits, be dismissed.

(10) Heard learned Counsel for the respective parties at length, gone through the record and proceedings of the Caste



end of the list of documents is that there is no similarity in the handwriting in respect of entry of Sallam Bhimdu of Kotwal Panji and other entries. Another document pertaining to Venkati S/o Pochya Sallam dated 01/10/1953 also shows the entry of 'Mannewar'. There is one document dated 01/05/1933 wherein Pochya S/o Bhima shown as belonging to Manyawar. The Petitioner placed on record the appointment order pertaining to his grandfather wherein his caste is shown as 'Mannewar' Scheduled Tribe. The Petitioner duly submitted his reply to the Show Cause Notice and to the Vigilance Cell Report thereby objecting the procedure followed by the Police Vigilance Cell. The statement of elderly persons from village vicinity were not recorded. The statement of parents were also not recorded. The document collected by the Caste Scrutiny Committee confirms that the document dated 29/01/1945 is correct and genuine. It is also submitted that the other documents pertaining to the years 1960, 1973 and 1974, those are showing the tribe as 'Mannewar'.

(13) The Petitioner specifically pointed out that while putting the remark against the document of 1945 at the end of

the list, there is difference in ink and there is no resemblance, however, the photocopy of the said entry was not brought to the notice of the candidate nor the original is placed on record or shown to the candidate. Moreover, it is the specific contention of the Petitioner that he has no access to the Revenue Records maintained by the Station House. He has obtained the certified copy of the said entry and the same was submitted before the Caste Scrutiny Committee. In view of this fact, the Petitioner placed on record the document prior to 1950 having great probative value, which cannot be simply discarded without there being any credible evidence on record.

(14) So far as the contention that there is no resemblance in the handwriting or any ink, the same is duly explained by the Petitioner. The forefathers of the Petitioner are residents of Alapalli. They are working either as a farmer or an agriculturist or labourers. A 'Mannewar' is a small tribe having its own characteristics which belongs to South or Telugu speaking portion of Chanda District where they mustered about 1600 persons in 1911. The name 'Mannewar' is the derived form of Telugu word 'Mannem' meaning forest, while 'war' is a plural

termination in Telugu. 'Mannewar' thus signifies the people of forest.

(15) Thus, in our considered opinion, the Caste Scrutiny Committee cannot simply discard the document which is a certified copy of the entry of 1945, merely by observing that there is no resemblance in handwriting of two entries.

(16) Learned AGP for the Respondent No. 2 - Scrutiny Committee submitted that there are adverse entries showing castes as 'Manewar', 'Mannepawar', 'Manyepawar' and 'Manywar' etc. There is a general observation by the Scrutiny Committee that taking benefit of similarity in the caste name, many non-tribal communities used to obtain bogus certificates. It appears that the Caste Scrutiny Committee is presupposing that the applicants are taking undue advantage and grabbing facility provided to the Scheduled Tribe by the Constitution. The Committee, on its own, presumed on the basis of surmises and made an absurd observation that the Local Government peoples representatives have been influenced by pressurizing the Officers and the Officers used to manipulate the record by insertion, interpolation etc.

(17) There is no substance in the above contention of the learned AGP, as the Petitioner has placed on record the certified copy of the document of 1945, which has a presumptive value. The Caste Scrutiny Committee has not taken any expert's opinion to verify whether there is any difference in the handwriting. Even if it is there, we cannot presume that these entries are not taken at one stretch by the same person.

(18) The Petitioner herein filed a detailed reply to the Vigilance Cell Report and specifically contended that the oldest document in respect of his grandfather namely Sallam Bhimdu S/o Bhupdu is of 29/01/1945 which was duly verified by the Vigilance Cell.

(19) Insofar as the entries of 'Manewar', 'Mannepawar', 'Manyepawar' and 'Manywar' are concerned, there is no other caste or tribe listed in any of the reserved category list other than 'Mannewar' and since 'Mannewar' is found to be correct and proper, it is conclusive proof. How the name 'Mannewar' is derived has also been explained by the Petitioner. In our considered opinion, the said entries of 'Manewar',

‘Mannepawar’, Manyepawar’ and ‘Manywar’ etc. are nothing but corrupted language or pronunciation or writing of the word ‘Mannewar’.

(20) The learned Counsel for the Petitioner relied on Judgment in **Satyanarayan Yellaya Gare (supra)** wherein this Court relying on judgment in **Nikhil s/o Sanjay Bodewar vs. State of Maharashtra through its Secretary, Ministry of Social Justice and Tribal Welfare Department, Mumbai (Writ Petition No.1212/2019)**, decided on 11.03.2025, held in para 19 as under:-

*19. So far as contention of the Caste Scrutiny Committee that there are some entries of ‘Mannepawar’, which are adverse, however, this issue is already decided in the matter of Nikhil s/o Sanjay Bodewar (supra), wherein the petitioner has questioned the order by which claim of the petitioner for issuance of validity of belonging to ‘Mannewar’ Scheduled Tribe came to be rejected. In the said petition, the entry of Mannepawar which found to be the basis for rejection of the claim of the petitioner as that of belonging to Mannewar Scheduled Tribe. The reason for invalidating the caste claim in the present matter is also Mannepawar entries. This Court observed in the above referred judgment as under:-*

“7. As regards the available evidence in the form of documents if appreciated, two reasons are recorded by the Committee viz. ‘Mannepawar’ entry recorded in the school record of the grandfather - Lachanna and absence of entry of the tribal land in the revenue record of land owned by the mother of the petitioner – Ushatai.

As regards adverse entry of ‘Mannepawar’ is concerned, when confronted with the learned Assistant Government Pleader as to existence of ‘Mannepawar’ caste, on instructions, he has fairly conceded that there is no caste as ‘Mannepawar’ in any of the statute dealing with the caste.

8. As such, there are consistent entries of ‘Mannepawar’ not only in relation to the grandfather of the petitioner but also in relation to the father of the petitioner. As such, the reasons cited by the Committee for rejection of the claim of the petitioner thereby recording a finding that the caste entry in the record of the grandfather of the petitioner is ‘Mannepawar’ would lead to negation of the claim cannot be sustained.

10. We are equally required to be sensitive of the fact that the parties like the petitioner inherits his caste from his father. No doubt, even

*if the document in relation to his mother is taken into account, in absence of entry of Scheduled Tribe in the revenue record the land can be transferred to non-tribal, cannot be accepted as a basis for negating the claim of the petitioner, particularly when such document is in relation to the mother of the petitioner. The negative finding recorded by the Committee, in our opinion, has no basis in law to infer that the petitioner cannot be said to be belonging to Scheduled Tribe category when relevant rules contemplate that 'blood relation' has to be construed as relation from father's side."*

(21) The Caste Scrutiny Committee failed to appreciate that there is entry of 1945 prior to the cut off date i.e. 1956 showing the tribe as 'Mannewar' in respect of grandfather of the Petitioner. The reasons for discarding the said document is not at all sustainable.

(22) In view of the judgment passed in **Nikhil s/o Sanjay Bodewwar (supra)**, the ground of adverse entries showing Mannepawar is not open for the Caste Scrutiny Committee to discard the claim of the Petitioner. This Court in the matter of

Satyanarayan Yellaya Gare (*supra*), relied on judgment of Sayanna vs. State of Maharashtra & Ors., (2009) 10 SCC 268, wherein the Hon'ble Apex Court in Paras 14 and 15 held as under:-

*“14. It is difficult for this Court to understand as to on which basis the Scrutiny Committee came to the conclusion that the word “lu” was interpolated in the register of the school more particularly when it was not so opined by the Police Inspector who had conducted the enquiry. Whether interpolation by addition has taken place can be stated by a handwriting expert or by comparison of admitted letters of a person with this disputed one. It is an admitted position that the Scrutiny Committee had never attempted to get an expert’s opinion nor itself had compared the disputed letters with admitted one of the appellant.*

*15. Under the circumstances, the finding recorded by the Scrutiny Committee that the word “lu” was interpolated will have to be regarded as not based on any credible evidence. The Police Inspector had never taken care to find out whether the word “lu” was subsequently added by the school authorities or by the appellant. It was necessary for the said officer to undertake such an exercise in view of the specific defence of the appellant that the school record was*

*lying with the school authorities and he had no opportunity whatsoever to tamper with the same”.*

(23) Thus, the contention of the Caste Scrutiny Committee that there is a difference in ink and handwriting is nothing but an erroneous attempt to discard the document. The certified copy of the document pertaining to the year 1945 is having great presumptive value and its presumption will remain till its rebuttal. However, there is nothing on record to rebut such presumption. The learned AGP has not placed anything on record to show that caste ‘Mannepawar’ is in existence. Admittedly, the tribe ‘Mannewar’ has been included in the category of Scheduled Tribe in the year 1956. As such, the entry of 1945 in respect of grandfather of the Petitioner cannot be disbelieved, as at the relevant time, the persons in whose favour the document is produced, they were not aware that they are going to be enlisted as Scheduled Tribe and will get the benefit of their tribe.

(24) So far as affinity test is concerned, it is well settled position of law that affinity test is not a litmus test. In **Anand vs. Committee for Scrutiny and Verification of Tribe Claims & Ors.**,

2011 (6) Mh.L.J. 919, some broad parameters are laid down by Hon'ble Apex Court which are reproduced as under:-

*“(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.”*

(25) Thus, the documentary evidence prior to the cut off date produced by the petitioner in support of his claim is having great probative value and cannot be brushed aside lightly by the Caste Scrutiny Committee. There can be no reason for the suppression or misrepresentation of facts to claim non-existence benefit of being a Scheduled Tribe by that point of time.

(26) As such, the order passed by the Caste Scrutiny Committee is untenable. In fact, the Caste Scrutiny Committee, any how, bent upon to invalidate the tribe claim of the

Petitioner. Hence, the order passed by the Respondent No. 2 - Caste Scrutiny Committee is not only erroneous but perverse and untenable in law.

(27) Hence, we proceed to pass following order:-

**ORDER**

- (a) The Writ Petition is **allowed**.
- (b) The order dated 18.06.2018 passed by the Respondent No. 2 – Scheduled Tribe Certificate Scrutiny Committee, Gadchiroli in Case No. क.सआ/अजप्रतस/गड/III/1554/33/2013 is hereby quashed and set aside.
- (c) It is declared that the Petitioner has duly established that he belongs to 'Mannewar' Scheduled Tribe.
- (d) The Respondent No. 2 – Caste Scrutiny Committee is hereby directed to issue validity certificate of 'Mannewar' Scheduled Tribe to the Petitioner within a period of eight weeks from the date of receipt of copy of this judgment.
- (e) The Petitioner can rely on this judgment till the validity certificate is issued to him.

**Rule is made absolute in the above terms. Pending Application(s), if any, stand(s) disposed of.**

**(NANDESH S. DESHPANDE, J.)**

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