



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

WRIT PETITION NO.6147 OF 2022

Pramod s/o Mukund Sorte,
aged about 48 years,
Occ. Service as Meteorologist-A,
Resident of 126, Ma Bhagwati Nagar,
Near Shesh Nagar, Chikhli (Khurd),
Manewada, Nagpur.

.....PETITIONER

Versus

1.State of Maharashtra
through its Secretary,
Ministry of Social Justice and
Tribal Welfare Department,
Mantralaya, Mumbai-400032.

2. Scheduled Tribe Caste Certificate
Scrutiny Committee, Chandrapur
through its Deputy Director/Member -Secretary.

3. Government of India,
India Meteorological Department,
through its Director General
and Disciplinary Authority,
having its office at O/o Director General

of Meteorology, Mousam Bhavan,
Lodhi Road, New Delhi-110003

....**RESPONDENTS**

Shri Anil S. Mardikar, Sr. Counsel a/b Ms. Vedika Thakre,
Adv. for the Petitioner.

Ms. K.S. Bhondge, AGP for Respondent Nos. 1 and 2.

Mrs. M.R. Chandurkar, Advocate for Respondent No. 3

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

DATE OF RESERVING THE JUDGMENT: 16.12.2025

DATE OF PRONOUNCING THE JUDGMENT: 05.01.2026

JUDGMENT:-(Per:–Smt. M. S. JAWALKAR, J.)

1) **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 impugned order dated 22/06/2022 passed by Respondent No. 2- Scheduled Tribe Caste Certificate Scrutiny Committee, Chandrapur (hereinafter referred to as “the Caste Scrutiny Committee”) whereby the tribe claim of the Petitioner of belonging to Halba 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 Senior Observer by the Respondent No.3 on 22/04/1998. He was confirmed in service on 15/10/2003 and promoted to the post of Assistant Meteorologist Grade-II on 29/12/2015. For verification of his Scheduled Tribe claim, the Petitioner submitted his claim with supporting documents before the Respondent No. 2 – Caste Scrutiny Committee. Owing to non-production of a validity certificate, his services were terminated, as a result of which, he had filed Writ Petition No. 5331/2018 before this Court. Thereafter, by judgment dated 18/12/2018, this Court quashed the termination order of the Petitioner and directed his reinstatement till final decision of the caste claim, leaving the issue of back wages open. Thereafter, the Caste Scrutiny Committee, initially in the process, called Vigilance Cell's Report and obtained three Koshti entries for the years 1943, 1951 and

1957 and again invalidated the tribe claim of the Petitioner. The Petitioner again approached this Court by way of Writ Petition No. 8168/2019. This Court, vide judgment and order dated 16/11/2021, again remanded the matter back to the Caste Scrutiny Committee. According to the Petitioner, after remand of the matter, the Caste Scrutiny Committee, without proper verification of the oldest entry of 1930 and only on the basis of the communication from the Imprisonment Department of Government of Maharashtra, once again invalidated the tribe claim of the Petitioner vide order dated 22/06/2022. The said order dated 22/06/2022 is the subject matter of challenge in this Petition.

5) Shri Anil S. Mardikar, learned Senior Counsel for the Petitioner submitted that the Petitioner's grandfather, Waktu, was a freedom fighter who was imprisoned in Chandrapur District Prison on 08.10.1930. The imprisonment certificate issued by the Superintendent records the caste as "Halbi" and constitutes the oldest pre-

constitutional document on record. The Petitioner also produced additional documentary evidence, as listed in the table below:-

Sr No	Document Type	Name on the document	Rel'on with Petitioner	Tribe	Date on the docs
1.	Imprisonment Certificate	Waktu Lodia Halbi	Grand father	Halbi	6.10.1930
2.	College leaving certificate	Pramod Mukunda Sorte	Petitioner	Halba	7.07.1994
3.	School leaving certificate	Mukunda Waktoo Sorte	Father	Halba	24.9.1979
4.	Primary School leaving certificate	Mukunda Waktoo Sorte	Father	Halba	6.05.1961
5.	Caste certificate	Mukunda Waktoo Sorte	Father	Halba	19.7.1980

6) Learned Senior Counsel for the Petitioner submitted that the Petitioner's Scheduled Tribe claim was initially invalidated by the Scrutiny Committee by order dated 25/11/2019, primarily relying on certain Koshti entries traced by the Vigilance Cell while ignoring consistent documentary evidence, including the crucial 1930 imprisonment certificate.

7) Learned Senior Counsel for the Petitioner submits that despite remand, the Scrutiny Committee failed to conduct a fresh Vigilance Cell inquiry and merely sought a communication from prison authorities stating that the original 1930 record was untraceable. The imprisonment certificate was neither found false nor doubtful, yet was discarded solely on this ground. Ignoring the directions of this Court at the time of remand, the Committee again relied on the same Koshti entries of 1943, 1950–51, 1957 and 1958, rejected the pre-constitutional 1930 Halbi entry without reasons and passed the impugned order dated 22/06/2022 invalidating the claim of the Petitioner.

8) It is the contention of the Petitioner that the impugned order was vitiated for non-compliance of the provisions of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Caste Certificate Rules, 2003, inasmuch as, no fresh vigilance

enquiry was conducted after remand, despite production of additional and crucial evidence.

9) It is further submitted that the Caste Scrutiny Committee relied on the documents collected by itself but supplied an illegible and untranslated form to the Petitioner thereby denying effective opportunity of rebuttal and violated the principles of natural justice. Reliance on the Koshti entries is legally impermissible, the last such entry being of 1958, beyond the deemed date. Certified revenue records show no caste entry for 1949–50 in respect of Waktu Lodia, and the sudden appearance of Koshti entries in 1950–51 and 1951–52, recorded in identical handwriting, raises serious doubt of manipulation, as confirmed by the Village Development Officer's certificate dated 21.09.2019.

10) It is also submitted that the alleged school entry dated 12.09.1943 in the name of Kisandas Waktu has been categorically denied by the Head Master, Zilla

Parishad Primary School, Khed (Makta), who certified that no such entry exists and that relied-upon extract is unauthenticated and unreliable.

11) Learned Senior Counsel for the Petitioner, in support of his contentions, relied on the following citations-

a) Writ Petition No. 1710 of 2018 (Vijay Wasudeo Gadikar Vs Scheduled tribe Scrutiny committee and others);

b) Writ Petition No. 5164 of 2022 (Vinayak Marotrao Mahajan Vs Scheduled Tribe Caste Certificates Scrutiny Committee and others);

c) Writ Petition no. 5095 of 2021 (Dr. Parasram Kisan Nanadankar VS Vice Chairman, Scheduled Tribe Caste Certificate Scrutiny Committee and others);

d) Writ Petition No. 7256/2024 (Saurav Sunilkumar Katole VS Scheduled Tribe Caste Certificate Scrutiny Committee) and

e) Writ Petition No. 2363 of 2024 (Sunil Gunwantrao Headoo Vs Scheduled tribe Caste Certificate Scrutiny Committee and others)

12) Per contra, learned AGP for the Respondent Nos. 1 & 2 submitted that upon receipt of the verification proposal on 18.02.2019, the Scrutiny Committee conducted a detailed enquiry as per the Act and Rules, including a Vigilance Cell investigation. On the basis of the documentary evidence and Vigilance Cell report, the Petitioner's "Halba" Scheduled Tribe certificate dated 13.06.1990 was found to be illegally obtained, confiscated, and directions were issued for withdrawal of service benefits and initiation of action under the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes, (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.

13) It is further contended that pursuant to the remand by this Court to consider the 1930 imprisonment certificate, a re-vigilance enquiry was conducted, during which, the jail authorities reported that the original record was untraceable. The Committee also relied on adverse

“Koshti” entries of blood relatives, including a school record of 1943. Despite several opportunities, the Petitioner failed to produce any reliable pre-constitutional document in support of his Halba Scheduled Tribe claim. The table below enlists the adverse entries against the Petitioner –

Sr. No	Document type	Name on the doc'nt	Relation with the Petitioner	Tribe	Date
1.	Tax assessment register	Waktu Rolu	Grandfather	Koshti	31.03.1950
2.	School affidavit	Kisandas Waktu	Uncle	Koshti	12.09.1943
3.	Birth Register extract	Kisandas Waktu	Uncle	Koshti	05.04.1951
4.	Kotwal panji	Waktu Rolu having a female child Mira	Aunt	Koshti	07.08.1958

14) Learned AGP for the respondent Nos. 1 and 2, in support of her contentions, relied on the following citations-

a) Maroti Vyankti Gaikwad Vs Deputy Director and Member Secretary The Scheduled Tribe Caste Certificate Scrutiny Committee, 2023(6) ABR 419.

b) Writ Petition No 2871 of 2024, Sakshi Govindrao Narnaware Vs The Scheduled Tribe Caste Certificate Scrutiny Committee.

15) Learned counsel for Respondent No. 3 submitted that the Petitioner was appointed as Senior Observer on 22.04.1998 against a Scheduled Tribe vacancy on the basis of his claim “Halba” status. In view of the directions issued by this Court in Writ Petition No. 275/2016 and the law laid down in the judgment of **Kumari Madhuri Patil vs Additional Commissioner, 1994 SCC (6) 241**, it was mandatory for the Petitioner to obtain caste validity from the competent Scrutiny Committee.

16) It is also brought to our attention that despite repeated directions, the Petitioner failed to secure a validity certificate, compelling the Respondent No. 3 to initiate disciplinary proceedings under the CCS(CCA) Rules, 1965, resulting in dismissal of the Petitioner from service. Although the dismissal was quashed by this Court on 18.12.2018 in Writ Petition No. 5331/2018, liberty was

expressly reserved to the employer to take appropriate action upon invalidation of the caste claim.

17) Heard learned Counsel for the respective parties at length, perused the documents placed on record and relied on the citations relied on by both the parties.

18) It is a matter of record that in the first round of litigation, this Court though observed that the order cannot be faulted with, however, in view of the new document produced by the Claimant, the matter was remitted back to the Caste Scrutiny Committee to verify the document placed by the Claimant on record i.e. the certificate of imprisonment issued in respect of Shri Waktu S/o Lodia Halbi, grandfather of the Petitioner. The Caste Scrutiny Committee was directed to verify this document after supplying it to the vigilance cell along with the other documents. There is only document which is produced in the Writ Petition later on placed on record before the Caste Scrutiny Committee was the certificate of imprisonment

issued by the Superintendent, Chandrapur District Prison. Copy of the said certificate was issued on 24/12/1966. This certificate was given to Kashibai W/o Lodia. It appears that it was issued in pursuance to her Application dated 07/12/1966.

19) It is the contention of the Petitioner that said Waktu Lodia is shown as 'Halbi' in the certificate. The mention of the word 'Halbi' is not clear, but on reading, it appears to be 'Halbri'. Learned Senior Counsel for the Petitioner placed on record the magnified copy of the words 'Lodia Halbi'. It is the contention of the learned Senior Counsel for the Petitioner that there is a mistake in spelling, however, it is 'Halbi'.

20) On perusal of the certificate issued by Tahsildar, Brahmapuri (record page 73), it appears that Kashibai W/o Waktu Sorte shown as resident of Kharbi. The copy is supplied to Kashibai W/o Lodia. She is resident of Kharbi, Brahmapuri, District Chandola. The other entries which the

Caste Scrutiny Committee had not relied on, as all are pertaining to post 1957 showing the caste of the relatives of the Petitioner as 'Halba'. The Caste Scrutiny Committee collected documents showing the caste of the Petitioner's predecessor as 'Koshti'. Those are of the years 1943, 1951 and 1958. Similarly, the Caste Scrutiny Committee relied on the document of 1943 which is affidavit filed by Waktu, father of Kisandas shown in the affidavit as 'Koshti'. Similarly, in the documents of 1951 and 1958, the caste of the fore-father of the Petitioner is shown as 'Koshti'.

21) It is the contention of the Caste Scrutiny Committee that subsequent to 1950, in the school record, deliberately the caste is shown as 'Halba' by the ancestors of the Petitioner suppressing the fact that they have shown themselves as 'Koshti'. However, in our considered opinion, the Vigilance Cell has not taken proper efforts to verify the document filed subsequently of 1930. Though the copy of the certificate was issued on 24/12/1966 bearing No. 4044/1966, the same was forwarded to Smt. Kashibai W/o

Lodia at Kharbi. Thus, the two dates are relevant in the said certificate i.e. 24/12/1966 and the date of the Application i.e. 07/12/1966. The said document though showing Waktu S/o Lodia Halbi, the spelling of Halbi is not as per the pronunciation, there is one letter 'r' after the letter 'b'. If the Vigilance Cell succeeds in getting the record of the Outward number of 1966, they may get the entry of the certificate, if at all, it is issued by the Superintendent, Chandrapur District Prison. Otherwise, the entry is of caste Koshti of 1943. If the copy of the certificate is issued in 1966, the record of the same ought to be there in the office of the Chandrapur District Prison.

22) As such, we are of the considered opinion that the matter needs to be remitted back to the Caste Scrutiny Committee. As we are proposing to remand the matter back to the Caste Scrutiny Committee, the citations relied upon by the parties do not require any discussion.

23) Hence, we proceed to pass following order:-

ORDER

(a) The Writ Petition is **partly allowed**.

(b) The impugned order dated 22/06/2022 passed by the Respondent No. 2 – Scheduled Tribe Caste Certificate Scrutiny Committee, Chandrapur in Case No. JC/TCSC/GAD/III/20/34/2019 is hereby quashed and set aside.

(c) The matter is remitted back to the Respondent No. 2 – Caste Scrutiny Committee for taking necessary steps to verify the certificate dated 24/12/1966 by conducting vigilance and directing the Vigilance Cell to conduct an enquiry with reference to the dates mentioned in the copy of the aforesaid certificate. This exercise shall be done within a period of eight weeks.

The Writ Petition stands **disposed of** in the above terms. Pending Application(s), if any, stand(s) **disposed of**.

(M.W.CHANDWANI, J.)

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