



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

WRIT PETITION NO. 2665 OF 2024

Stavan Wilson Sathe,

Aged about 19 years, Occ. Student,
R/o. Chaure Plot, Behind Lady
Hardinge Hospital,
Tq. & Distt. Akola.

.... **PETITIONER**

// VERSUS //

1) **The State of Maharashtra,**

Through its Secretary,
Department of Tribal Welfare and
Development, Mantralaya,
Mumbai-32.

2) **The District Caste Certificate**

Verification Committee, Akola,
Office at Collector Office, 2nd Floor,
Administrative Building, Akola,
through its Member Secretary.

.... **RESPONDENTS**

Mr. U. J. Deshpande, Advocate for Petitioner.

Mr. N. R. Patil, Assistant Government Pleader for
Respondents.

**CORAM : MRS. M. S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.**

DATE ON RESERVING THE JUDGMENT : 23.02.2026

DATE ON PRONOUNCING THE JUDGMENT : 26.02.2026

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 and request of the parties.

2. The Petitioner by this petition is challenging the order dated 27/09/2023, passed by the Respondent No. 2 District Caste Certificate Verification Committee, Akola thereby invalidating the caste claim of the Petitioner to the 'Mang' which is recognized as Scheduled Caste, without considering the documentary evidence produced by him in support of his claim.

3. It is contended by the Petitioner that he belongs to "Mang" which is recognized as Scheduled Caste in the State of Maharashtra and at Serial No.46 in the List of Scheduled Caste for the State. The Petitioner has submitted a proposal for validation of caste claim through the Principal of Rajashri Shahu College, Paradhi, Tq. Bhokardhan, District Jalna, along with document i.e. School Leaving Certificate issued by Headmaster of Akola Municipal Corporation Primary School No.4, Akola to great grandfather of the Petitioner namely 'Ganpat Bhika' dated 10/08/1932. The Petitioner has also placed on record School

Leaving Certificate issued by Headmaster of Akola Municipal Corporation Primary School No.4, Akola pertaining to 'Chattarsingh Bhikaji' dated 16/07/1934. The matter was referred for enquiry to the Vigilance Cell.

4. Pursuant to Report of the Vigilance Cell, the Respondent No. 2 Scrutiny Committee issued a notice to the Petitioner and explanation was called on two grounds i.e. Entry of Caste is recorded as 'Christian' in the School Leaving Certificate of the grandfather of the Petitioner and secondly as per the witness No.1 in the Vigilance Enquiry Report, he did not know as to which religion the Petitioner professed and witness No.2 informed that the Petitioner professed 'Christianity'. The Petitioner gave his reply to the said notice and also placed on record Certificate pertaining to his grandfather issued by Pastor of Alliance Church, Akola dated 06/03/2009, wherein the Pastor has certified that the Petitioner is 'Matang' by caste.

5. In spite of this explanation, the Caste claim of the Petitioner came to be rejected holding that :

- (i) his grandfather and father appeared to have accepted Christianity;
- (ii) the petitioner unable to establish his relationship with other family members;
- (iii) although the petitioner had produced documentary proof relatable to caste 'Mang' prior to appointed date, those were not relevant since his father and grandfather accepted Christianity;
- (iv) since name of maternal uncle of petitioner is Vipul Daniel Agamane and name of sister of Great Grandfather being Pramils Colvin Sathe, it appeared that the petitioner's family is professing Christianity even today;
- (v) the witness No.1 examined by petitioner in support of his caste claim tried to mislead the Committee by changing his version and
- (vi) having accepted Christianity, the petitioner cannot be granted Caste Validity for the Caste 'Mang' since he would fall in the category of Converted Christian as per Entry 196 under the category of Other Backward Classes.

6. The learned Counsel for the Petitioner relied on the following citations :

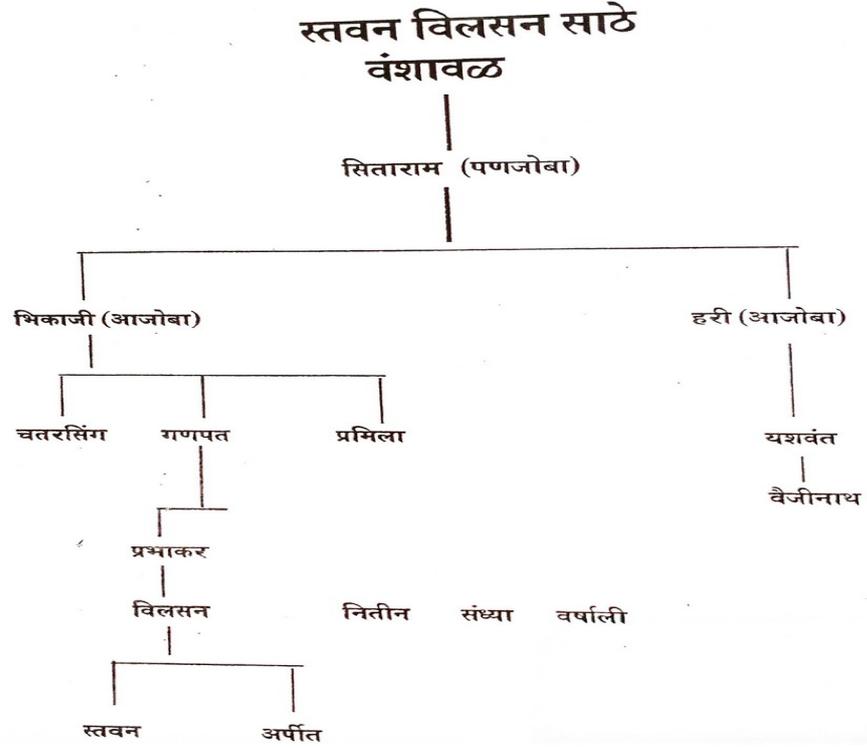
- (i) **Tejashree Mangilal Dambale vs. Scheduled Tribe Certificate Scrutiny Committee & Ors., 2023(5) Bom.C.R. 582;**
- (ii) **Bhanudas Hona Gajbhiv vs. State of Maharashtra & Ors., 2017 DGLS(Bom.) 616;**
- (iii) **Parvi Ashish Chakravarti vs. State of Maharashtra & Anr., 2024(1) Mh.L.J. 113 and**
- (iv) **Suvarna d/o Vijay Kharat vs. State of Maharashtra & Ors., 2024(1) Mh.L.J. 427.**

7. Per contra, the learned Assistant Government Pleader opposed the petition and submitted that due consideration is given to the facts whereby it was revealed to the Committee that father and grandfather of the Petitioner converted into Christianity. The learned Assistant Government Pleader relied on following citations :

- (i) **Kiranlata d/o Wamanrao Sontakke vs. Divisional Caste Certificate Scrutiny Committee No.3, Nagpur & Ors., 2019(4) Mh.L.J. 447 and**
- (ii) **Judgment in Civil Appeal No. 13086/2024 (Arising out of SLP (C) No. 6728/2023) C. Selvarani vs. The Special Secretary-cum-District Collector & Ors. (Passed by the Hon'ble Apex Court).**

8. 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 citation relied on by both the parties.

9. For the sake of convenience, family tree is reproduced as under :



10. Admittedly, there is a validity certificate issued in favour of Prabhakar Ganpat Sathe (page 29). The Petitioner also placed on record a School Leaving Certificate pertaining to Ganpat Bhika, wherein his caste is shown as 'Mang', date of admission is shown as 10/08/1932 and date of school leaving is shown as 23/11/1933. The Petitioner also placed on record Extract of Service Book of Prabhakar Ganpatrao Sathe, wherein his caste is shown as 'Mang' (S.C.). He also placed on record a School Leaving Certificate pertaining to Chatarsing Bhikaji, his

name is reflecting in the family tree, wherein his caste is shown as 'Mang' and date of admission is shown as 16/07/1934 and date of school leaving is shown as 28/10/1937. There are subsequent documents in respect of Vaijinath Yashwant Sathe, Ku. Sandhya Prabhakar Sathe and Ku. Vaishali Prabhakar Sathe. In all these documents, the caste is reflecting as 'Mang'. Except one entry of Christian in the document of Prabhakar, all other entries are 'Mang' or 'Matang'. So far as Christian's entry on document of Prabhakar Sathe is concerned, it has to be expected that it has wrongly written as Christian, because the validity certificate has already in favour of Prabhakar Sathe. Admittedly, the said document is pertaining to year 1962.

11. It is a matter of record that there is a document of 1932, which is school leaving certificate, wherein the caste of the great grandfather of the Petitioner is shown as 'Mang'. Even Chatarsing Bhikaji's document dated 16/07/1934, also his caste is shown as 'Mang'. Now question is only whether any of the ancestor had converted into Christian religion, the Petitioner has duly replied to the queries and submitted that in para 2 of the reply. It is specifically explained that as Prabhakar Ganpat Sathe,

grandfather of the Petitioner was harassed when he was in school and he would not allow to sit in the school and therefore, the name of Prabhakar was withdrawn from the said school and admitted in other school with Christian religion, as per the advice of the people. To avoid inconvenience to the grandfather, he was transferred to other school and he has shown to have adopted Christianity, however, nobody of his family have converted into Christian religion.

12. The learned Counsel for the Petitioner relied on **Tejashree Mangilal Dambale** (supra) in support of his contention that vigilance enquiry is not at all essential. This Court in para 10 held as under :

“10. About the reason given by the Scrutiny Committee for not accepting the Validity Certificate of the father of the petitioner that no enquiry was conducted by the Vigilance Cell before issuing the said Validity Certificates, the law is now well settled. It indicates that enquiry by a Vigilance Cell is not mandatory and if the Scrutiny Committee is otherwise satisfied, then it need not send the case for Vigilance Cell enquiry.”

13. The learned Counsel for the Petitioner also placed reliance on **Bhanudas Hona Gajbhiv** (supra), wherein paras 44, 45 and 47 held as under :

“44. By mere entries in the caste column of his father and his grand-father, it cannot be said that they had embraced Christianity and that there was, therefore, definite attempt of misleading the authorities subsequently.

45. We do not find anything in law, particularly, the Maharashtra Act No. XXIII of 2001 or Rules framed thereunder which prevented the committee from getting in touch with the Church or the Headmaster and obtaining from them, the clarification whether they stand by the contents of their Certificates issued and attributed to them or otherwise.

47.The committee in that case, mechanically passed an order invalidating the caste certificate issued in favour of the Dipak S/o Yohan Shinde. No evidence in respect of conversion of family to Christianity was produced or that the father of the petitioner or petitioner adopted Christian faith. The Mang community also accepted the petitioner's family as belonging to the said caste. The reliance placed by Shri Barlinge on this judgment, is apposite. Paragraphs 9 and 10 of this judgment, read as under :-

“9.

10. In the instant matter also, there is absolutely nothing on record to come to the conclusion that the father of the petitioner was converted to Christianity and has relinquished Hindu faith. There is nothing to suggest that the father of the petitioner or his family have been outcaste and excommunicated and that they have snapped ties with Hinduism. Conversion, if any, is only nominal and for all practical purposes the family belongs to Hindu Religion. Apart from this, the disadvantages which are peculiar to Scheduled Castes, which is sadly a feature of Hindu Religion, continues and the family faces such disadvantages and the difficulties faced by the lower casts from amongst Hindus.”

14. The learned Counsel for the Petitioner also placed reliance on **Parvi Ashish Chakravarti** (supra), wherein this Court in para 12 and 13 held as under :

“12. The only contention raised by respondent No.2 while invalidating the claim of the petitioner is that as per Vigilance Cell report, it transpired that the father and grandfather of the petitioner had converted themselves to 'Christianity' meaning thereby, they have adopted Christian religion. Since, they converted themselves into 'Christianity', they are included in the category of Other Backward Classes at Sr. No.196 as 'Scheduled Caste' converted to 'Christianity'.

*13. It is quite interesting to note that in its reply on affidavit, respondent No.2 states that it is an admitted fact that the petitioner belongs to caste 'Mahar' but, those who professes the religion Hindu, Sikh and Buddhist only belongs to the category of Scheduled Caste. There is absolutely no shred of evidence on record or material found by the Vigilance Cell during enquiry that either the grandfather, father or the petitioner had undergone **Baptism** in order to buttress the respondents' contention that they have converted into 'Christianity'. Baptism is a Christian sacrament by which one is received in Church and sometimes given a name, generally involving the candidate is to be anointed with or submerged in water.*

15. The learned Counsel for the Petitioner also placed reliance on **Suvarna d/o Vijay Kharat** (supra), wherein this Court in para 11 and 17 held as under :

“11. there was no baptism of any of the petitioner's family members and they were not members of that Church, merely because of finding

the cross painted on the entrance and availability of a bust of Jesus Christ inside the house, in our considered view, is not sufficient for the committee to reach a conclusion about petitioner's conversion to Christianity and renouncing of the caste. There was no concrete proof before the committee to reach such a drastic conclusion."

17. *The revenue record at least referred to the petitioner's grandfather as Mahar way back in the year 1929 and except the cross having been painted at the entrance and finding of a bust of Jesus Christ inside the house, there was absolute no material before the committee to discard the petitioner's claim. The observations and conclusions of the committee are clearly perverse, arbitrary and capricious."*

16. The learned Assistant Government Pleader vehemently opposed the petition and submitted that forefather of the Petitioner themselves accepted the Christianity. He relied on **Kiranlata d/o Wamanrao Sontakke** (supra), however, this Judgment is not supporting the contention of the learned AGP, wherein in para 11 held as under :

"11. Petitioner's marriage with a Christian or visiting church or keeping the photograph of Lord Yeshu in house, would not denude her from the original caste to which she belongs. In terms of undisputed pre-constitutional document, the petitioners original caste is Mahar, therefore, onus lies on the vigilance cell to establish conversion to Christianity, which was not discharged. There is no material to show that the community has treated petitioner as Christian or she has undergone the ceremony of baptism."

17. The learned Assistant Government Pleader also placed reliance on **Civil Appeal No. 13086/2024** (supra), however facts are distinguishable from the facts in other matters. The facts involved before the Hon'ble Apex Court are given in para 12 as under :

*“12. However, the report submitted by the Village Administrative Officer, after a detailed enquiry and through the documentary evidence collected, would clearly establish that the appellant's father belonged to Scheduled Caste community and the appellant's mother was a christian and their marriage was performed as per the Christian rituals and duly registered on 12.11.1987 by Rev.Fr.E.Showry as evident from the certificate issued on 15.03.2017 by the parish of Lourdes Shine, Villianur and thereafter, the appellant's father had converted to **Christianity through baptism; baptism of the appellant's brother was done on 07.05.1989; and the appellant was born on 22.11.1990 and she was baptized on 06.01.1991 at Lourdes Shrine, Villianur, Pondicherry within two months.**”*

Thus, it is clear that in the said matter there was marriage as per Christian rituals as mother of the appellant was Christian and father of the appellant also have converted to the Christianity through baptism and the appellant's brother's baptism was done on 07.05.1989 and the appellant was born on 22.11.1990 and she was baptized on 06.01.1991. In the present matter, there is no evidence at all to say that there was any

conversion of 'Mang' Scheduled Caste religion to 'Christian' religion. There is no dispute about the documents and family tree produced by the Petitioner before the Caste Scrutiny Committee.

18. As such, as discussed above, it is the duty of the Caste Scrutiny Committee before concluding that the Petitioner's father and grandfather have converted themselves into Christianity, whether there was any rituals of baptism are performed or not. Only because there is painting of Cross or presence of a statue of God Jesus Christ, would not suffice to hold that the forefather of the Petitioner converted into Christianity.

19. As such, the impugned order passed by the Caste Scrutiny Committee is patently erroneous, perverse and is liable to be set aside. Accordingly, we proceed to pass following order :

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 27/09/2023, passed in case No. ED-2022-00777879, passed by the

Respondent – District Caste Certificate Verification Committee, Akola is hereby quashed and set aside.

- (iii) It is declared that the Petitioner duly established that he belongs to “Mang” Scheduled Caste.
- (iv) The Respondent District Caste Certificate Verification Committee, Akola is hereby directed to issue the validity certificate of “**Mang**” **Scheduled Caste** to the Petitioner within a period of two months.

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

(NANDESH S. DESHPANDE, J.)

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