IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 5th OF NOVEMBER, 2026

WRIT PETITION No. 5043 of 2013

CNR No.: MPHC030149522013

GOVIND MOGIA AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND ANR

Appearance:

Shri Divakar Vyas - Advocate for the petitioners.

Shri Dharmendra Nayak - Govt. Advocate for the respondents/State.

ORDER

The petitioners have filed the present petition under Article 226 of the Constitution of India, calling in question the order dated 21.08.2012 passed by the High Power Scrutiny Committee, whereby their claim for issuance of Scheduled Tribe certificates in the category of Mogia Tribe has been rejected.

Learned counsel appearing for the petitioners submits that the petitioners belong to Mogia Tribe, which is included in the list of Scheduled Tribes for the State of Madhya Pradesh. It is contended that the petitioners had submitted applications for issuance of Scheduled Tribe certificates along with relevant documentary evidence, including the caste certificate issued in favour of their father, records relating to their father's appointment against a reserved post, school records, revenue documents and other

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contemporaneous documents indicating their tribal status.

It is further submitted that the petitioners' claim had earlier been considered by the High Power Scrutiny Committee, which rejected the same by order dated 13.10.2008. The said order was challenged before this Court in Writ Petition No.1889 of 2009, which was allowed vide order dated 02.12.2010, with a direction to the respondents to reconsider the claim of the petitioners afresh in accordance with the procedure prescribed by the Supreme Court in **Kumari Madhuri Patil and Another v. Additional Commissioner, Tribal Development and Others, reported in (1994) 6 SCC 241.**

Learned counsel submits that despite the aforesaid directions, the scrutiny committee has again rejected the claim of the petitioners without affording them an effective opportunity of hearing and without properly considering the documentary evidence placed on record. It is contended that the impugned order is cryptic, non-speaking and does not disclose any proper consideration of the material submitted by the petitioners.

It is also argued that the report of the Vigilance Officer, which according to the petitioners supports their claim of belonging to Mogia Scheduled Tribe, has not been duly considered by the committee. The petitioners were neither supplied with the relevant report nor afforded an opportunity to explain any adverse material, if relied upon by the committee. It is further submitted that the impugned order has been passed by only four members of the committee, contrary to the prescribed requirements regarding its constitution and quorum.

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Learned counsel for the petitioners further submits that the confusion between Mogia Tribe, which is included in the list of Scheduled Tribes, and Moghia caste, which is mentioned in the list of Scheduled Castes, had already been clarified by the State Government through its circular dated 28.02.2005. The petitioners contend that their claim ought to have been examined in the light of the aforesaid clarification and the directions issued by this Court in the earlier round of litigation. On these grounds, learned counsel submits that the impugned order is arbitrary, violative of the principles of natural justice and contrary to the directions issued by this Court. It is, therefore, prayed that the impugned order be quashed and the respondents be directed to grant Scheduled Tribe certificates to the petitioners or, in the alternative, to reconsider their claim afresh in accordance with law.

Per contra, learned counsel appearing for the respondent/State opposes the petition and supports the impugned order passed by the High Power Scrutiny Committee.

It is submitted that the claim of the petitioners for recognition as members of the Scheduled Tribe has been examined by the competent scrutiny committee in exercise of its statutory and administrative authority. The committee is the specialised body entrusted with the responsibility of scrutinising claims relating to social status certificates and determining whether the claimants satisfy the prescribed criteria for recognition as members of a Scheduled Tribe.

Learned counsel for the State submits that the mere fact that certain

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caste or tribe names appear to be similar or certificates have been issued to other family members does not, by itself, conclusively establish the tribal status of the petitioners. The claim is required to be examined independently on the basis of the relevant constitutional provisions, applicable guidelines and the material available on record.

It is further submitted that the earlier order passed by this Court did not direct the committee to accept the claim of the petitioners or to issue Scheduled Tribe certificates in their favour. The direction was only to reconsider the matter afresh in accordance with law. The committee, after undertaking the requisite exercise and examining the claim, has arrived at a conclusion that the petitioners have failed to establish their claim of belonging to Mogia Scheduled Tribe.

Learned counsel further submits that the petitioners cannot claim an automatic entitlement to Scheduled Tribe status merely on the basis of the certificate issued in favour of their father or other family members. The scrutiny committee is required to determine the genuineness of the claim in accordance with the prescribed procedure, and the findings recorded by the committee cannot be displaced merely because another view of the material may be possible.

It is also contended that the impugned order has been passed by the competent authority after consideration of the relevant aspects of the matter and does not warrant interference in exercise of the extraordinary writ jurisdiction of this Court. The petitioners have failed to demonstrate any jurisdictional error, violation of a mandatory statutory provision or perversity

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in the decision warranting interference by this Court. On the aforesaid grounds, learned counsel for the respondent/State prays for dismissal of the writ petition.

Heard learned counsel for the parties and perused the material available on record.

The principal question which arises for consideration is whether the order dated 21.08.2012 passed by the High Power Scrutiny Committee rejecting the claim of the petitioners for issuance of Scheduled Tribe certificates warrants interference in exercise of the extraordinary jurisdiction under Article 226 of the Constitution of India.

The petitioners have primarily questioned the impugned order on the ground that their documentary evidence, the caste certificate issued in favour of their father and the report of the Vigilance Officer have not been properly considered by the scrutiny committee. They have also alleged violation of the principles of natural justice and non-compliance with the directions issued by this Court in the earlier round of litigation.

However, upon consideration of the submissions advanced by learned counsel for the parties, this Court is of the considered opinion that the petitioners have failed to establish any illegality, procedural infirmity or jurisdictional error in the decision impugned herein warranting interference.

The mere existence of certain documents indicating the caste or tribal status of the ancestors or other family members does not, by itself, confer an indefeasible right to recognition as a member of a Scheduled Tribe. Such documents are required to be considered along with the other relevant

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circumstances and material in accordance with the applicable constitutional provisions and prescribed procedure.

The earlier order passed by this Court in Writ Petition No.1889 of 2009 dated 02.12.2010 required the respondents to reconsider the claim of the petitioners in accordance with law and the guidelines laid down by the Supreme Court in *Kumari Madhuri Patil* (supra). The said direction did not mandate acceptance of the claim of the petitioners or issuance of Scheduled Tribe certificates in their favour. The scrutiny committee was required to undertake a fresh consideration of the claim and arrive at its own conclusion on the basis of the material available before it.

The petitioners have not been able to demonstrate that the impugned decision suffers from any such infirmity which would justify this Court in substituting its own assessment for that of the competent scrutiny committee. The grounds raised in the petition, including the allegations relating to consideration of documentary evidence, the Vigilance Officer's report and the constitution of the committee, do not establish any illegality of such a nature as to warrant interference in the present proceedings. The petitioners have failed to demonstrate that the conclusion arrived at by the scrutiny committee is liable to be set aside on any legally sustainable ground.

In view of the aforesaid discussion, this Court finds no illegality, perversity or procedural irregularity in the impugned order dated 21.08.2012 passed by the High Power Scrutiny Committee warranting interference under Article 226 of the Constitution of India.

Consequently, the writ petition, being devoid of merit, is hereby

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dismissed.

(MILIND RAMESH PHADKE)
JUDGE

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