



**IN THE HIGH COURT OF MADHYA PRADESH
AT J A B A L P U R**

BEFORE

HON'BLE SHRI JUSTICE VIVEK JAIN

WRIT PETITION No. 23341 of 2024

UTTAM CHAND MUDIA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Amit Khatri - Advocate for petitioner.

Shri V.P. Tiwari – Government Advocate for respondents/State.

Shri Aditya Narayan Sharma – Advocate for respondents No.2 to 4.

WITH

WRIT PETITION No. 1524 of 2002

**ROOP SINGH MUDIYA (DELETE AS PER COURT ORDER DATE
4/09/2023) AND OTHERS**

Versus

THE UNION OF INDIA AND OTHERS

Appearance:

Shri Amit Khatri - Advocate for petitioners.

Shri Arnav Tiwari – Advocate for respondent/Union of India.

Shri V.P. Tiwari – Government Advocate for respondents/State.

WRIT PETITION No. 1404 of 2007

DR.PRADEEP KUMAR MUDIYA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS



Appearance:

Shri Bramha Nand Pandey - Advocate for petitioner.

Shri V.P. Tiwari – Government Advocate for respondents/State.

Shri Arnav Tiwari – Advocate for respondent/Union of India.

WRIT PETITION No. 1186 of 2009

DAYAL SINGH MUDIYA AND OTHERS

Versus

UNION OF INDIA AND OTHERS

Appearance:

Shri Amit Khatri - Advocate for petitioners.

Shri Arnav Tiwari – Advocate for respondent/Union of India.

Shri V.P. Tiwari – Government Advocate for respondents/State.

WRIT PETITION No. 17429 of 2016

BHAGWAN DAS MUDIA AND OTHERS

Versus

UNION OF INDIA AND OTHERS

Appearance:

Shri Amit Khatri - Advocate for petitioners.

Shri Arnav Tiwari – Advocate for respondent/Union of India.

Shri V.P. Tiwari – Government Advocate for respondents/State.

WRIT PETITION No. 27864 of 2018

SHRI BHUVANESH MUDIYA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS



Appearance:

Shri Bramha Nand Pandey - Advocate for petitioner.

Shri V.P. Tiwari – Government Advocate for respondents/State.

Shri Arnav Tiwari – Advocate for respondent/Union of India.

ORDER

(Reserved on 30.10.2025)

(Pronounced on: 04.11.2025)

1. All these matters relate to single dispute though the ultimate reliefs sought are different, therefore, they are being heard and decided by this common order. For the sake of convenience, facts are taken from W.P.No.1524 of 2002, except where otherwise so mentioned in this order.
2. The challenge in the present case is made to proceedings of High Level Caste Scrutiny Committee dated 26.02.2002 which has taken decision in pursuance of order of this Court in W.P. No.6518 of 2000 and W.P. No.5676 of 2000 dated 05.11.2001 in the matter of scrutiny of caste category certificates of “Mudia” tribe (ST) or alternatively “Mudaha” Caste (OBC).
3. In the state of Madhya Pradesh, Mudia is mentioned as a Scheduled Tribe in Entry 16 of the Constitution (Scheduled Tribes) Order, 1950 in Part VIII thereof as applicable to the State of Madhya



Pradesh. On the other hand, the caste Mudaha is notified as Other Backward Classes (OBC) in the State of Madhya Pradesh and is to be found at serial number 44 of list of such OBCs in the State of Madhya Pradesh. The dispute, therefore, in the present case, relates to whether the petitioners belong to Mudia-ST or Mudaha-OBC category. At some earlier point of time, all the petitioners were duly issued ST category certificates of Mudia tribe but, later on, it was disputed by the State Government on the ground that no members of ST category belonging to Mudia tribe are available in Narsinghpur district of the State of Madhya Pradesh and, therefore, all the ST category certificates of Mudia tribe, granted in Narsinghpur district, are *void ab initio* and all such persons in Narsinghpur district actually belong to Mudaha OBC category. All the petitioners in these cases have taken some or the other benefit on the basis of ST category certificates and in WP No.1524 of 2002, the basic decision of High Level Caste Scrutiny Committee is under challenge and in all other cases either the said proceedings are under challenge or the consequential adverse actions being taken against the petitioners in terms of said decision of the High Level Caste Scrutiny Committee are under challenge.

4. The learned counsel for the petitioners have vehemently argued that in the initial list of Scheduled Tribes for the State of Madhya



Pradesh, Gond and Mudia were notified at Entry 12 for State of Madhya Pradesh prior to 01.11.1956. After 01.11.1956 also, the tribe Mudia continued in the List of STs in State of Madhya Pradesh along with Gond tribe and various other tribes. The situation continued till bifurcation of the State of Madhya Pradesh in two States, i.e. State of Madhya Pradesh and Chhattisgarh on 01.11.2000, Mudia tribe continued at Entry 16 in State of Madhya Pradesh and for the State of Chhattisgarh also, it continued at Entry No.16. It is contended that in District Narsinghpur undisputedly Mudia tribe category persons were residing which is evident from the certificate Annexure P-23 issued by Tahsildar Gotegaon, District Narsinghpur which is placed on record as Annexure P-23 to W.P. No.27864 of 2018 mentioning that in Tehsil Gotegaon itself there are 1612 members of Mudia ST in the entire Tehsil.

5. It is contended that there are thousands of Mudia tribals residing and, therefore, the general decision taken by the High Level Caste Scrutiny Committee dated 26.02.2002 that all the Mudia category certificates issued in district Narsinghpur are null and void because there is no Mudia ST category person available in the district, is utterly illegal.



6. It is further argued that initially a decision was taken by the Committee vide Annexure P-6 communicated on 24.08.2000 and the said matter was agitated before this Court in WP No.5676 of 2000 and this Court vide order dated 05.11.2001 directed that the petitioners or their representatives shall appear before the High Level Caste Scrutiny Committee on 14.12.2001 and the Committee shall pass a fresh order after providing opportunity of hearing to the petitioners and after perusing the documents and the Committee shall not be persuaded by its earlier view and take a progressive, positive and objective view in the matter. In compliance of the said direction, the Committee has again taken a fresh decision which is utterly non-speaking and it only declares that there is no person of Mudia ST category available in District Narsinghpur in State of Madhya Pradesh which is not backed by any reasons and the order is hardly one and half page order containing a drastic conclusion and it is utterly non-speaking order which affects the rights of all persons of Mudia category tribal persons in the district and such a drastic order should not have been passed in such a casual manner. It is argued that for reaching a conclusion that there is no Mudia ST category person in the district, a detailed consideration of all the anthropological factors was required which has not been carried out by the High Level Caste



Scrutiny Committee and simply the previous studies have been given the stamp of approval and the High Level Caste Scrutiny Committee has itself not conducted any research in the matter and only given a stamp of approval to earlier researches conducted in the matter which were not conducted by the High Level Caste Scrutiny Committee and, therefore, the order of the High Level Caste Scrutiny Committee is illegal and deserves to be set aside and the matter may be remanded back to the High Level Caste Scrutiny Committee to consider the entire matter afresh and reach to a fresh conclusion pragmatically.

7. *Per contra*, learned counsel for the State has referred to various documents filed with the reply most importantly the survey report Annexure R-3 whereby a Committee constituted by M.P. Tribal Research Institute, Bhopal under direction of one IAS officer has conducted a study made by three officers of Tribal Welfare Department namely Dr. T.K. Vaishnav, G.R. Ahirwar and M.S. Bhalawi and reached to a conclusion that in District Narsinghpur there is no ST category person of Mudia tribe available and all the persons are of Mudaha OBC category who take benefit of ST category by similarity in name of tribe/caste. It is argued that in the said research study all the anthropological factors were taken in consideration and 20 differences between traditions and anthropological traits of Mudia



tribe and Mudaha OBC caste were taken into consideration and determined by the said Research Committee. The Research Committee also interviewed as many as 21 persons belonging to Mudaha tribe and then reached to conclusion and also reached to conclusion that in the District Narsinghpur of State of Madhya Pradesh there is no person of Mudia ST category residing and, therefore, the High Level Caste Scrutiny Committee has not erred in the matter by relying on this detailed study carried out in the year 1998-1999 by the Research Committee under Tribal Research Institute, Bhopal, which is a government body. On these grounds, it is prayed to dismiss the petition by asserting before this Court that the benefit of ST category status should only go to the rightful tribal persons and not to unscrupulous persons like the petitioners and it has been conclusively established by a study that there is no Mudia ST category person residing in district Narsinghpur and, therefore, the petitioners cannot take any benefit of Mudia ST certificates.

8. Heard learned counsel for the parties at length and perused the record.

9. The decision of High Level Caste Scrutiny Committee is under challenge in the present case which is as under:-



“मुडहा/मुड़िया जन जाति के संदेहास्पद जाति प्रमाण पत्र पर उच्च स्तरीय छानबीन समिति का निर्णय दिनांक 26.2.2002

00

माननीय उच्च न्यायालय जबलपुर के आदेश दिनांक 5.11.2001 याचिका क्रमांक 6518/2000 एवं 5676/2000 श्री कृष्ण कुमार मुड़िया एवं रूपसिंह मुड़िया एवं अन्य विरुद्ध मध्यप्रदेश शासन के परिपालन में मुड़िया/मुडहा जाति के याचिका कर्ताओं के जाति प्रमाण पत्र की छानबीन की गई।

2. मध्यप्रदेश शासन, सामान्य प्रशासन विभाग के आदेश क्रमांक एफ 7-1/96/आरक्षण प्रकोष्ठ/1, दिनांक 8.9.1997 द्वारा माननीय उच्चतम न्यायालय की याचिका कुमारी माधुरी पाटिल बनाम महाराष्ट्र, राज्य के निर्णय में समस्त राज्य सरकारों को दिये गये दिशा निर्देशों के तारतम्य में अनुसूचित जन जाति के जाति प्रमाण पत्रों की जांच हेतु उच्च स्तरीय छानबीन समिति गठित की गई है। समिति की बैठक दिनांक 26.2.2002 को आयोजित की गई। छानबीन समिति में निम्नानुसार सदस्य हैं –

- | | | |
|----|--|------------|
| 1। | सचिव, मध्यप्रदेश शासन | अध्यक्ष |
| | आदिम जाति कल्याण विभाग | |
| 2। | आयुक्त, आदिवासी विकास | सदस्य सचिव |
| 3। | सचिव, म0प्र0 राज्य अनुसूचित जन जाति आयोग | सदस्य |
| 4। | प्रतिनिधि संचालक, आदिम जाति अनुसंधान संस्थान | सदस्य |

3. प्रकरण में माननीय उच्च न्यायालय द्वारा आदेशित तथा सामान्य प्रशासन विभाग द्वारा निर्धारित सभी प्रक्रियाओं का अक्षरशः पालन करते हुए उच्च स्तरीय छानबीन समिति के द्वारा निम्नानुसार कार्यवाही सम्पन्न की गई :-

सर्वप्रथम आवेदकों के जाति प्रमाण पत्रों की जांच संबंधित पुलिस अधीक्षक के माध्यम से कराई गई। पुलिस अधीक्षक से प्राप्त जांच रिपोर्ट के परीक्षण के उपरान्त छानबीन समिति के जांच प्रतिवेदन एवं तत्संबंधी दस्तावेजों के संबंध में धारकों को सूचना पत्र भेजकर लिखित स्पष्टीकरण मंगाया गया पुनः उच्च स्तरीय छानबीन समिति के द्वारा पाये गये तथ्यों को पुनः जांच के लिए तथा आवेदकों को पुनः सुनवाई का एक अवसर देने हेतु माननीय उच्च न्यायालय के आदेशों के परिपालन में याचिकाकर्ता कृष्ण कुमार मुड़िया एवं श्रीरूप सिंह मुड़िया तथा अन्य को पुनः उच्च स्तरीय छानबीन समिति की बैठक आहूत कर सभी याचिका कर्ताओं को सुनवाई का एक और अवसर दिया गया। समस्त याचिका कर्ताओं को अपना पक्ष समिति के समक्ष रखने हेतु दिनांक 14.12.2001 को याचिका कर्ताओं को बुलाया गया था, जिसमें मात्र 6 याचिका कर्ता कमशः श्री कृष्ण कुमार, श्री भगवान दास, श्री तुलाराम, श्री जगदीश प्रसाद एवं श्री चेतन्य कुमार मुड़िया उपस्थित हुए और उनके द्वारा अपना पक्ष खने हेतु पुनः समय बढ़ाये जाने की मांग छानबीन समिति से की गई। छानबीन समिति ने प्राकृतिक न्याय की दृष्टि से याचिकाकर्ताओं की मांग को ग्राह्य करते हुए दिनांक 15.1.2002 की समय सीमा बढ़ाई किन्तु याचिका कर्ताओं ने इस समय सीमा में उपस्थित होने से पूर्व ही दिनांक 11.1.2002 को स्वयं के वकील का नोटिस देते हुए इस समय सीमा को पुनः बढ़ाये जाने का अनुरोध किया।



अनुसूचित जाति एवं अनुसूचित जन जातियों के संबंध में प्राधिकृत अधिकारियों को अनुसूचित वर्ग के प्रमाण पत्र प्राप्त करने के लिए और उस जाति के लिए जिसकी अधिसूचित स्थान के संबंध में ऐसे प्रश्न निहित हैं जिसके निश्चय उच्च स्तर पर किया जाना हो, के संबंध में माननीय उच्चतम न्यायालय द्वारा निर्देशित और सामान्य प्रशासन विभाग द्वारा गठित उच्च स्तरीय छानबीन समिति ने आवेदकों को पर्याप्त अवसर एवं समय दिया जा चुका है एवं माननीय न्यायालय द्वारा दी गई समय सीमा समाप्त हो चुकी है। अतः छानबीन समिति को उपलब्ध जांच प्रतिवेदन, पुलिस प्रतिवेदन, प्रस्तुत साक्ष्य, बयान, उच्च स्तरीय छानबीन समिति के द्वारा गठित उप समिति जिसमें जिले के संयुक्त जिलाध्यक्ष, वरिष्ठ पुलिस अधीक्षक तथा नृतत्व शास्त्री सम्मिलित थे। उप समिति के जांच प्रतिवेदन, मुडहा समुदाय के व्यक्तियों द्वारा तैयार की गई "नरसिंहपुर जिले के मुडहा/मुडिया अनुसूचित जनजाति के संवैधानिक मार्गदर्शिका वर्ष 1999" शैक्षणिक शालेय अभिलेख अन्य लोगों द्वारा दिये गये बयान एवं प्रस्तुत अन्य दस्तावेजों के पुनर्वलोकन के पश्चात समिति इस निष्कर्ष पर पहुंचती है कि याचिकाकर्ताओं की जाति मुडहा है चूंकि याचिकाकर्ताओं को न्याय के हित में पर्याप्त समय पूर्व से ही दिया जा चुका है। अतः अब अतिरिक्त समय न दिया जाकर छानबीन समिति के मत में याचिकाकर्ताओं को जारी किये गये मुडिया अनुसूचित जन जाति के जाति प्रमाण पत्रों को सक्षम प्राधिकार से निरस्त किये जाने की पुनः अनुशंसा करती है तथा गलत तरीके से जाति प्रमाण पत्र प्राप्त कर्ताओं को तथा प्रमाण पत्र जारी कर्ता अधिकारियों के विरुद्ध संबंधित नियमों/कानून के अंतर्गत अनुशासनात्मक एवं दण्डात्मक एवं दण्डात्मक कार्यवाही करने की अनुशंसा करती है।

।सुरंजना रे।

।सेवाराम।

अध्यक्ष, अनुसूचित जन जाति छानबीन समिति सदस्य, सचिव, अनुसूचित जन जाति छानबीन
एवं सचिव, आदिम जाति कल्याण समिति एवं आयुक्त आदिवासी विकास

।जी0एस0नेताम।

।श्रीमती इंदु मुराव।

सदस्य, अनुसूचित जनजाति सदस्य, अनुसूचित जनजाति छानबीन समिति
छानबीन समिति एवं सचिव एवं प्रतिनिधि संचालक, आदिम जाति अनुसंधान
म0प्र0 राज्य अनुसूचित जनजाति आयोग संस्थान, अनुसंधान अधिकारी"

10. It is evident from perusal of the aforesaid decision of the High Level Caste Scrutiny Committee that the High Level Caste Scrutiny Committee itself has not carried out any scrutiny of anthropological traits while reaching to conclusion that the petitioners do not belong to Mudia ST category. The Committee has simply taken note of earlier



studies carried out by the Tribal Welfare Department wherein a conclusion was reached that there is no Mudia ST category person residing in district Narsinghpur in Madhya Pradesh.

11. Coming to the report of the Research Committee which is placed on record as Annexure R-3, the said Research Committee in 1998-99 when there was undivided State of Madhya Pradesh, delineated as many as 20 differences between anthropological traits, social traditions, religious traditions, succession, traditional songs, marriage traditions, social structure etc. of Mudia ST and Mudaha OBC category caste.

12. If the High Level Caste Scrutiny Committee indeed wanted to accept the said report of Research Committee, though it was not bound by the said Research Committee because it is the High Level Caste Scrutiny Committee which is to take a final decision in the matter in view of judgment of the Hon'ble Supreme Court in the case of **Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and others, (1994) 6 SCC 241**, the High Level Caste Scrutiny Committee could not have abdicated its jurisdiction to an earlier research conducted by some junior officers of Tribal Welfare Institute of the State Government. Even in case the High Level Caste Scrutiny Committee was of the opinion that this



research report is to be accepted, then it should have itself reached to an independent conclusion that the research report Annexure R-3 is proper and it has to be accepted.

13. If this Court even deems that the High Level Caste Scrutiny Committee has accepted the research report, then also the minimum which the High Level Caste Scrutiny Committee was required to do was to scrutinise that whether each of the persons affected by its order have their social traditions and anthropological traits as per the 20 differences enumerated by the Research Committee vide its report Annexure R-3. However, in the report of High Level Caste Scrutiny Committee which has been quoted above, no such consideration has been made in respect of each of the persons affected by such report that what are the social and anthropological traits of each of the persons being affected by this report. Once the Research Committee had reached to 20 differences between the two castes/tribes, then before blindly accepting the conclusion of Committee that in district Narsinghpur there is no Mudia ST person residing, the High Level Caste Scrutiny Committee ought to have arrived at conclusion of social traits of each of the persons affected by its order who have been given liberty by this Court to represent before the High Level Caste



Scrutiny Committee and High Level Caste Scrutiny Committee had been directed to take afresh decision.

14. Therefore, in the opinion of this Court, the High Level Caste Scrutiny Committee does not seem to have exercised its jurisdiction properly.

15. It is settled in law that no judicial or administrative authority has a right to change the list of Scheduled Castes and Scheduled Tribes as provided in the Presidential Orders named as Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950, as amended from time to time by Acts of Parliament. It is the Parliament alone which is competent to alter or amend to the Schedule. The said issue has been decided conclusively by the Constitution Bench of the Hon'ble Supreme Court in the case of **State of Maharashtra v. Milind and others, (2001) 1 SCC 4** wherein the Constitution Bench has held as under:-

“15. Thus it is clear that States have no power to amend Presidential Orders. Consequently, a party in power or the Government of the day in a State is relieved from the pressure or burden of tinkering with the Presidential Orders either to gain popularity or secure votes. Number of persons in order to gain advantage in securing admissions in educational institutions and employment in State services have been claiming as belonging to either Scheduled Castes or Scheduled Tribes depriving genuine and needy persons belonging to Scheduled Castes and Scheduled Tribes covered by the Presidential Orders, defeating and frustrating to a large extent the very object of protective discrimination given to such people based on their educational and social backwardness. Courts cannot and should not expand jurisdiction to deal with the question as to whether a particular caste, sub-caste; a group or



part of tribe or sub-tribe is included in any one of the entries mentioned in the Presidential Orders issued under Articles 341 and 342 particularly so when in clause (2) of the said article, it is expressly stated that the said Orders cannot be amended or varied except by law made by Parliament. The power to include or exclude, amend or alter Presidential Order is expressly and exclusively conferred on and vested with Parliament and that too by making a law in that regard. The President had the benefit of consulting the States through Governors of States which had the means and machinery to find out and recommend as to whether a particular caste or tribe was to be included in the Presidential Order. If the said Orders are to be amended, it is Parliament that is in a better position to know having the means and machinery unlike courts as to why a particular caste or tribe is to be included or excluded by law to be made by Parliament. Allowing the State Governments or courts or other authorities or Tribunals to hold inquiry as to whether a particular caste or tribe should be considered as one included in the schedule of the Presidential Order, when it is not so specifically included, may lead to problems. In order to gain advantage of reservations for the purpose of Article 15(4) or 16(4) several persons have been coming forward claiming to be covered by Presidential Orders issued under Articles 341 and 342. This apart, when no other authority other than Parliament, that too by law alone can amend the Presidential Orders, neither the State Governments nor the courts nor Tribunals nor any authority can assume jurisdiction to hold inquiry and take evidence to declare that a caste or a tribe or part of or a group within a caste or tribe is included in Presidential Orders in one entry or the other although they are not expressly and specifically included. A court cannot alter or amend the said Presidential Orders for the very good reason that it has no power to do so within the meaning, content and scope of Articles 341 and 342. It is not possible to hold that either any inquiry is permissible or any evidence can be let in, in relation to a particular caste or tribe to say whether it is included within Presidential Orders when it is not so expressly included.”

16. The aforesaid judgment has been recently followed by the Supreme Court and it has been reiterated again that the entries as given in the Order have to be respected and cannot be lightly overlooked by courts or by administrative authorities.

17. In **K. Nirmala Vs. Canara Bank, 2024 SCC Online SC 2273**, the Hon’ble Apex Court has held as under:-

“26. As held by the Constitution Bench in Milind (supra), any inclusion or exclusion in or from the list of Scheduled Castes can only



be made through an Act of Parliament under Articles 341 and 342 of the Constitution of India. As a corollary thereto, neither the State Government nor the Courts have the authority to modify the list of Scheduled Castes as promulgated by the Presidential order under the above Articles.

27. For this precise reason, pursuant to the judgment in Milind (supra), the Government of Karnataka took the only permissible decision to de-schedule the castes to which the appellants herein belonged. However, considering the fact that the Caste Certificates issued to the appellants under the previous inclusions made by the State Government to the Scheduled Castes list, albeit under a legal misconception was not obtained through misrepresentation or fraud, the State Government took the pragmatic decision to protect the employment of those individuals who had been benefited by these Caste Certificates obtained prior to issuance of the Government circulars dated 11th March, 2002 and 29th March, 2003. There is no dispute on the fact that each of the appellants herein fall within this category. These Government circulars clearly stipulate that individuals who secured employment based on the Caste Certificates issued under the erroneous Government circulars/orders would no longer be entitled to claim future benefits under such certificates and would henceforth be treated as General Merit category candidates for all practical purposes.

30. In the case of Milind (supra), this Court was dealing with the issue regarding the State's power to amend the Presidential Order. It was held that the State has no jurisdiction to tinker with the Presidential Orders issued under Article 341 of the Constitution of India. It was not even urged by the learned counsel for the appellants that the certificates held by the appellants based on the erroneous list of inclusion issued by the State Government were valid or should be protected. Their only prayer was to protect the services of the appellants while conceding that their Caste Certificates would be deemed invalid and that they would not be entitled to any future benefits under the reserved category."

18. While looking at the matter from that angle, it is undisputed that Mudia was notified ST in undivided State of Madhya Pradesh and the notification notifying Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956 dated 29.10.1956 is on record as Annexure P-7, as per which, for the entire State of Madhya Pradesh, Gond and Mudia are named at Entry 12 and it applies in various parts of the State including Narsinghpur district. This modification order was



issued at the time of re-organisation of States in 1956 whereby the undivided State of Madhya Pradesh came in existence, which was later-on, further bifurcated into Madhya Pradesh and Chhattisgarh on 01.11.2000. The relevant entry in the Modification Order, 1956 is as under:-

“2. In the revenue districts of Dhar and Jhabua; in the tahsils of Sendhwa, Barwani, Rajpur, Khargone, Bhikangaon and Maheshwar of the revenue district of Nimar; in the tahsil of Sailana of the revenue district of Ratlam:-

Bhils and Bhilalas including Barels, Patelia and other sub-tribes.

*3. In (1) Bastar, Chhindwara, Mandla, Raigarh and Surguja districts, (2) Baihar tahsil of the Balaghat district, (3) Betul and Bhainsdehi tahsils of the Betul district, (4) Bilaspur and Katghora tahsils of the Bilaspur district, (5) Durg and Sanjari tahsils of the Durg district, (6) Murwara, Patan and Sihora tahsils of the Jabalpur district, (7) **Hoshangabad, Narsimhapur and Sohagpur tahsils of the Hoshangabad district**, (8) Harsud tahsil of the Nimar district, (9) Bindra-Nawagarh, Dhamtari and Mahasamund tahsils of the Raipur district:-*

- 1. Andh*
- 2. Baiga*
- 3. Bhaina*
- 4. Bharia-Bhumia or Bhuinhar-Bhumia including Pando*
- 5. Bhattra*
- 6. Bhil*
- 7. Bhunjia*
- 8. Binjhar*
- 9. Bihul or Birho*
- 10. Dhanwar*
- 11. Gadaba or Gadba.*
- 12. Gond, including-*
 - Arakh or Arrakh*
 - Agaria*
 - Asur*
 - Badi Maria or Bada Maria*
 - Bhatola*
 - Bhimma*
 - Bhuta, Koilabhuta or Koilabhuti*
 - Bhar*



Bisonhorn Maria
Chota Maria
Dandami Maria
Dhuru or Dhurwa
Dhoba
Dhulia
Dorla
Gaiki
Gatta or Gatti
Gaita
Gond Gowari
Hill Maria
Kandra
Kalanga
Khatola
Koitar
Koya
Khirwar or Khirwara
Kucha Maria
Kuchaki Maria
Madia (Maria)
Mana
Mannewer
Moghya or Mogia or Monghya
Mudia (Muria)
Nagarchi
Nagwanshi
Ojha
Raj
Sonjhari Jhareka
Thatia or Thotya
Wade Maria or Vade Maria”

(Emphasis supplied)

19. The amendment of 1956 notified Mudia as ST for various parts of the State of Madhya Pradesh, including Narsinghpur (which was then a Tahsil of Hoshangabad District), at the time constitution of the State of Madhya Pradesh as per States reorganization carried out on 01.11.1956.



20. The next modification in the lists of ST for the State of Madhya Pradesh took place upon bifurcation of the State of Madhya Pradesh into the State of Madhya Pradesh and Chhattisgarh. By the Madhya Pradesh Reorganization Act, 2000, Schedule IV contained amendment of Constitution (Scheduled Tribes) Order, 1950 and Part VIII of the said Order was substituted for the remaining State of Madhya Pradesh and new Part XX was inserted for the newly carved out State of Chhattisgarh. The relevant entries to be found out in the M.P. Reorganisation Act of 2000 is there for the State of Madhya Pradesh and Chhattisgarh, both containing Mudia as Scheduled Tribe for the entire State at Entry 16. The said entry for the State of Madhya Pradesh is as under:-

*“16. Gond, Arakh, Arrakh, Agaria, Asur, Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Koilabhuta, Koliabhuti, Bhar, Bisonhorn Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta, Gatti, Gaita, Gond, Gowari, Hill Maria, Kandra, Kalanga, Khatola, Koitar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mogia, Monghya, **Mudia**, Muria, Nagarchi, Nagwanshi, Ojha, Raj Gond, Sonjhari, Jhareka, Thatia, Thotya, Wade Maria, Vade Maria, Daroi.”*

21. In similar terms, the entries for newly carved out State of Chhattisgarh at Entry 16 was also in the following terms and contains Mudia tribe at Entry 16 as under:-

“16. Gond, Arakh, Arrakh, Agaria, Asur, Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Koilabhuta, Kolibhuti, Bhar, Bisonhorn



*Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta, Gatti, Gaita, Gond, Gowari, Hill Maria, Kandra, Kalanga, Khatola, Koitar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mogia, Monghya, **Mudia**, Muria, Nagarchi, Nagwanshi, Ojha, Raj Gond, Sonjhari, Jhareka, Thatia, Thotya, Wade Maria, Vade Maria, Daroi.”*

22. The finding contained in the research report Annexure R-3 that Mudia tribe is to be found only in Bastar district of the undivided State of Madhya Pradesh, if it is to be taken as gospel truth, then the entire district of Bastar went into the State of Chhattisgarh on 01.11.2000 and then Mudia tribe was required to be deleted from the State of Madhya Pradesh upon re-organisation of the State in the year 2000. However, the Legislature did not delete Mudia tribe under Entry 16 for the State of Madhya Pradesh, though as per research report Annexure R-3, no Mudia resided in remaining Madhya Pradesh, because the entire district of Bastar was not there in the State of Madhya Pradesh after bifurcation. By the Parliament deciding not to delete the entry of Mudia as ST in the remaining State of Madhya Pradesh after bifurcation of Chhattisgarh, it is clear that the Legislature was of the opinion that there are Mudia ST category persons residing in the remaining State of Madhya Pradesh.

23. Therefore, in view of these facts, the High Level Caste Scrutiny Committee could not have blindly believed that there is no person in



District Narsinghpur in the State of Madhya Pradesh who belongs to Mudia ST category. Narsinghpur district has been allocated to State of Madhya Pradesh upon bifurcation on 01.11.2000 and it is interesting to note that boundaries of Narsinghpur district do not meet the boundaries of district Bastar of Chhattisgarh and there are three districts in between and there is a lot of geographical difference between the two districts. Bastar District has since been bifurcated in 7 separate districts in State of Chhattisgarh and the boundary of nearest and farthest of any of these 7 districts of erstwhile Bastar District is between 300 to 600 km. from Narsinghpur District.

24. This Court also cannot blindly accept the report Annexure R-3 holding that no Mudia ST category persons are residing in district Narsinghpur of Madhya Pradesh because after bifurcation of State of Madhya Pradesh, when Bastar is not part of bifurcated Madhya Pradesh, then there was no reason for the Parliament to still have retained the entry of Mudia ST category for State of Madhya Pradesh and it ought to have been deleted upon bifurcation of the State.

25. The said entry has not been deleted even till date and by Amendment Act of 2002 vide Act No.10 of 2003, there has been amendment for Scheduled Tribes Order for the State of Madhya Pradesh by deleting entry Nos.21, 32 and 39. However, the entries



relating to Mudia ST have not been touched or altered in any manner whatsoever.

26. Therefore, it is an issue which requires detailed deliberation and by retention of Mudia ST category in State of Madhya Pradesh even after bifurcation, it cannot be blindly accepted and digested by this Court as gospel truth that no Mudia ST category persons are residing in State of Madhya Pradesh because the territories which the Research Committee vide Annexure R-3 found to be home of Mudia tribe, have been completely allocated to the State of Chhattisgarh, and all 7 bifurcated Districts of erstwhile Bastar are in Chhattisgarh, and do not even border remaining Madhya Pradesh.

27. In the opinion of this Court, all these facts ought to have been considered by the High Level Caste Scrutiny Committee which is an expert committee constituted only for such purposes. However, the High Level Caste Scrutiny Committee without considering any of these facts, has mechanically and blindly held that all the petitioners are members of OBC category of Mudaha Caste and not Mudia ST category persons.

28. The issues regarding caste category of a person more so when there are two different caste categories claimed for the same person, are always vexed and complicated issues which require detailed



deliberation and without such deliberation so also the legal angles which have been dealt with in detail by this Court in this order above, the High Level Caste Scrutiny Committee could not have reached to any conclusion in either manner.

29. In view of the above, the decision of the High Level Caste Scrutiny Committee Annexure P-10 cannot be allowed to be sustained. It deserves to be and is hereby set aside.

30. W.P. No.1524 of 2002 is **allowed** and **disposed of** by quashing the proceedings of High Level Caste Scrutiny Committee Annexure P-10. The matter will now go back to the High Level Caste Scrutiny Committee to consider the anthropological and social traits of the persons claiming to be Mudia ST category persons and also consider that Mudia tribe has not been deleted for the State of Madhya Pradesh even after bifurcation and, therefore, it cannot be lightly inferred that outside district Bastar, which is now part of State of Chhattisgarh, there are no Mudia category tribals, though the Committee will still look into the matter whether petitioners are indeed Mudia or not.

31. So far as W.P. No.23341 of 2024 is concerned, charge-sheet issued by the employer of this petitioner is under challenge. The charge-sheet is **quashed**, leaving it open for the employer to proceed



afresh after the fresh decision of the High Power Caste Scrutiny Committee.

32. So far as W.P. No.1404 of 2007 is concerned, all impugned orders so also the High Powered Caste Scrutiny Committee proceedings dated 09.09.2009 are quashed, with liberty to proceed afresh after fresh decision of High Powered Committee.

33. So far as W.P. No.1186 of 2009 and W.P. No. 19429 of 2016 are concerned, all adverse orders/action pursuant to proceedings dated 26.02.2002 are set aside, with liberty to proceed afresh after fresh decision of High Powered Committee.

34. So far as W.P. No.27864 of 2018 is concerned, the impugned orders are quashed, with liberty to the petitioner to apply for a fresh ST category Caste certificate after fresh High Powered Committee decision in case the Committee decides in his favour. In case the decision of the Committee goes against the petitioner or he fails to obtain fresh certificate for any other reason, then the respondents shall be at liberty to proceed afresh against the petitioner.

35. In the above terms, all the petitions are **disposed of**.

(VIVEK JAIN)
JUDGE