

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7254 OF 2008

SATISH
RAMCHANDRA
SANGAR

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Sumeet Dattatray Pawar,
Age : 20 Years, Occupation : Nil,
Vasant Vaibhav, Nera Virupaksha Temple,
Shivaji Road, Old Panvel, Panvel,
District : Raigad.

...Petitioner

Versus

1. **State of Maharashtra**

Through its Secretary, Tribal Development
Department, Mantralaya, Mumbai : 400032.

2. **Scheduled Tribe Caste Certificate**

Scrutiny Committee, Nandurbar
Division, Through its Deputy Director
and Member Secretary having its
Nandurbar.

3. **Director,**

V.J.T.I. Matunga, Mumbai : 400 019.

...Respondents

Mr.Sahil Choudhari h/f Mr.Sushant Yeramvar, Advocate for Petitioner.
Ms.Kavita N. Solunke, Addl.G.P. a/w Smt.R.M.Shinde, AGP, for the
Respondent Nos.1 and 2 – State.

Mr.Santosh Parad, Advocate for Respondent No.3 – BMC.

CORAM : M.S.KARNIK &
S. M. MODAK, JJ.

DATE : 13th JANUARY 2026

ORAL JUDGMENT : (PER : M.S.KARNIK, J.)

1. Heard learned counsel for the Petitioner.

2. Learned Addl.G.P. opposed the Petition.
3. Brief background of the matter is as follows:

The rejection of the caste claim of the Petitioner by the Caste Scrutiny Committee was challenged by the Petitioner by filing a Writ Petition before this Court, which came to be dismissed. Aggrieved by the said order, the Petitioner preferred an Appeal before the Hon'ble Supreme Court. Vide order dated 12th December 2025, the Hon'ble Supreme Court partly allowed the Appeal, set aside the order passed by this Court, and remanded the matter for fresh consideration. The relevant paragraphs from the order dated 12th December 2025 are reproduced hereinbelow for ready reference:-

- “1. *The applications for substitution are allowed after condoning the delay and setting aside abatement, if any, subject to all just exceptions. Applications for intervention/impleadment are also allowed, subject to all just exceptions.*
2. *The issue that falls for consideration in these cases is whether the appellants or other similarly placed persons, who claim themselves belonging to ‘Thakur’ Scheduled Tribe, are entitled to claim the benefits as would ensure to the said Scheduled Tribe. It may be noticed that the Nagpur Bench of the High Court of Judicature at Bombay (“High Court”) has, vide the*

impugned judgment, upheld the cancellation of caste certificates of a large number of persons because they did not fulfil the 'affinity test' for being considered as part of the 'Thakur' Scheduled Tribe.

3. *It is not in dispute that a three-Judge Bench of this Court, vide judgment dated 24.03.2023 (passed in the instant proceedings). reported in (2023) 16 SCC 415, has held as follows:*

“36. Thus, to conclude, we hold that:

- (a) *Only when the Scrutiny Committee after holding an enquiry is not satisfied with the material produced by the applicant, the case can be referred to Vigilance Cell. While referring the case to Vigilance Cell, the Scrutiny Committee must record brief reasons for coming to the conclusion that it is not satisfied with the material produced by the applicant. Only after a case is referred to the Vigilance Cell for making enquiry, an occasion for the conduct of affinity test will arise.*
- (b) *For the reasons which we have recorded, affinity test cannot be conclusive either way. When an affinity test is conducted by the Vigilance Cell, the result of the test along with all other material on record having probative value will have to be taken into consideration by the Scrutiny*

*Committee for deciding the caste validity claim;
and*

(c) In short, affinity test is not a litmus test to decide a caste claim and is not an essential part in the process of the determination of correctness of a caste or tribe claim in every case.”

4. *It may be seen from the above that this Court has categorically ruled that only when the Scrutiny Committee after holding an inquiry is not satisfied with the material produced by an applicant/claimant (like the appellants), the case can be referred to the Vigilance Cell. For doing so, the Scrutiny Committee is obligated to record brief reasons in support of the conclusion that it was not satisfied with the material produced by the applicant. The occasion for holding a further fact-finding inquiry by the Vigilance Cell, would arise only when this preliminary test prescribed for the Screening Committee has been met with.*
5. *In light of the cited decision, we are satisfied that all these cases require a fresh consideration at the hands of the High Court, especially to determine whether the procedure adopted by the Scrutiny Committee, the consequential further inquiry, if any, by Vigilance Cell, and the final conclusion arrived by the Scrutiny Committee are in consonance with the parameters laid down by this Court. These appeals are, accordingly,*

partly allowed, the Judgement and orders of the High Court are set aside, and the cases are remanded to the High Court. The Writ Petitions filed by the appellants/claimants shall stand revived for being heard and decided afresh.

6. *It is clarified that the questions of law, which are not answered by the above-cited judgement, as well as other subsequent decisions of this Court, are kept open, and the parties will be at liberty to raise all their contentions before the High Court. It also goes without saying that in this renewed consideration, the parties may rely upon additional documents, if any, and the High Court may accord them an opportunity for the same.”*

4. The caste claim of the Petitioner as belonging to “*Thakur Scheduled Tribe*” has been invalidated by the Respondent No.2–Scrutiny Committee. The impugned order proceeds on the footing that the Petitioner has to prove the “*Affinity Test*”. It is well settled by now that the “*Affinity Test*” is not a *litmus* test to prove the caste claim and the same can be proved on the basis of other materials.

5. This Court, in the year 2010, in ***Apoorva d/o Vinay Nichale V/s. Divisional Caste Certificate Scrutiny Committee No.1 and others***¹ has held thus at paragraph No.4:-

¹ 2010(6) Mh.L.J. 401

“4. We have considered the matter and we are of the view that the petitioner’s caste claim that she belongs to Kanjar Bhat-Nomadic Tribe ought to have been accepted by the Committee merely on the basis that identical caste claim of her sister that she belongs to Kanjar Bhat has been allowed by the Committee, even apart from the Government Resolution. We are of the opinion that the guidelines provided by the said Govt. Resolution are sound and based on sound principles. It would indeed be chaotic otherwise. If the relationship by blood is established or not doubted, and one such relative has been confirmed as belonging to a particular caste, there is no reason why public time or money should be spent in the committee testing the same evidence and making the same conclusion unless of course the Committee finds on the evidence that the validity of the certificate of such relation has been obtained by fraud.”

6. Moreover, the Hon’ble Supreme Court in the decision of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti V/s. State of Maharashtra and Others*² held that affinity test is not a litmus test to decide a caste claim and is not an essential part in the process of the determination of correctness of a caste or tribe claim in every case.

Thus, in *Maharashtra Adiwasi* (supra), the following three essential prerequisites for granting caste validity certificates were outlined by

² (2023) 16 Supreme Court Cases 415

Their Lordships at the paragraph 24 of the judgment quoted above:

- (i) The applicant must establish a clear and specific relationship with the person in whose favour the validity certificate has been issued;
- (ii) The Scrutiny Committee must verify whether the validity certificate was granted to the applicant's blood relative after due enquiry and in accordance with prescribed procedure; and
- (iii) The Scrutiny Committee must ascertain the genuineness of the validity certificate relied upon.

7. During pendency of this Petition, the Petitioner's father Dattatray Gopinath Pawar has been issued with the Certificate of Validity vide order dated 6th October 2021 by the Scrutiny Committee. The Petitioner's real brother Rohan Dattatray Pawar has also been issued with the Certificate of Validity as belonging to "*Thakur Scheduled Tribe*" by the order dated 27th November 2021.

8. There is no dispute that Dattatray Gopinath Pawar is the father of the Petitioner. There is nothing on record to indicate that the certificate of validity issued in favour of the Petitioner's father is granted without following the due procedure or without conducting due enquiry.

9. The Petition, therefore, succeeds. The impugned order is quashed and set aside. The Petitioner's caste claim stands validated. The Respondent No.2 – Committee is directed to issue the certificate of validity in favour of the Petitioner as belonging to “*Thakur Scheduled Tribe*” within a period of six (6) weeks from the date of communication of this order.

10. With these observations, the Writ Petition stands disposed of.

11. Pending Interim Applications, if any, also stand disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)