



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

926 WRIT PETITION NO. 11769 OF 2025

Sandhya Dnyaneshwar Shinde

VERSUS

The State Of Maharashtra Through Its Secretary And Another

...

Advocate for the Petitioner : Mr. Sunil Mahadevappa Vibhute

AGP for Respondents-State: Mr. S. B. Pulkundwar

...

**CORAM : R. G. AVACHAT &
ABASAHEB D. SHINDE, JJ.**

Dated : SEPTEMBER 25, 2025

ORAL ORDER : - (Per R. G. AVACHAT, J.)

1. Heard.
2. The petitioner claims to belong to '*Koli Mahadev*', Scheduled Tribe. Respondent No. 2 - Caste Scrutiny Committee, declined to grant validation to the petitioner's Tribe Certificate. The petitioner is, therefore, before this Court.
3. We have perused the impugned order dated 23/09/2025 along with the documents relied upon. According to the learned AGP, the oldest entry from the school register of 1959 was obtained from the Transfer Certificate, and not directly from the School Admission Register. He contended that there are subsequent contradictory entries for same years, which, according to him, were manipulated. The learned AGP urged that the matter be remanded to the Scrutiny

Committee to verify the genuineness of the documents and to seek production of the School Admission Register for confirmation of the petitioner's claim.

4. We are not in agreement with the submissions advanced by the learned AGP. The entries in the Transfer Certificate and other school records carry a presumption of genuineness as public documents under Section 35 of the Indian Evidence Act. These entries were made in the official course of business and have been in the custody of the school authorities. There is no reason to doubt the genuineness of these records or to attribute mala fide to the petitioner.

5. A clause in the Transfer Certificate indicates that the petitioner's cousin grandfather is shown to have belonged to '*Koli Mahadev*'. At that time, there was no motive to fabricate records for to be used decades later. Another entry from the school records of the same year, pertaining to the petitioner's cousin grandfather, similarly shows him to have belonged to '*Koli Mahadev*', Scheduled Tribe. These are the oldest entries. While it is true that there are some subsequent contradictory entries, in our considered view, the entries made first in point of time carry greater probative value than

the subsequent entries.

6. Although the petitioner may not have passed the affinity test, the Court has repeatedly observed that the affinity test is not a deter litmus test criterion, the area restrictions have also been withdrawn long back in 1976. In our view, the Scrutiny Committee ought to have relied upon the oldest record of 1959 and granted the petitioner a caste validity certificate. Since this has not been done, interference with the impugned order is warranted.

ORDER

(a) The petition is allowed.

(b) The impugned order dated 23/09/2025 passed by the respondent No.2 - Caste Scrutiny Committee is quashed and set aside.

(c) Respondent No. 2 - Caste Scrutiny Committee, is directed to issue caste validity certificate to the petitioner within six weeks from the date of receipt of this order.

(ABASAHEB D. SHINDE, J.)

(R. G. AVACHAT, J.)

vj gawade/-.