



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.224/2025

Shivani D/o Bhika Ingle
Age: 18 years, Occ: Student,
R/o At post Govardhan, Tq. Risod
Distt. Washim

... Petitioner.

- Versus -

1. Scheduled Tribe Caste Certificate
Scrutiny Committee, through its Vice
Chairman/ Jt. Commissioner, Shastri
Nagar, Yawatmal.
2. Govt. College of Engineering,
Chatrapati Sambhaji Nagar,
through its Principal.
3. State Common Entrance Test Cell,
Maharashtra State, Mumbai, 8th floor,
New Excelsior Building, A.K. Nayak Road,
Fort, Mumbai-400 001,
Through its Commissioner.

... Respondents.

Mr. Roshan S. Suryawanshi, Advocate for the petitioner.
Mr. S.M. Ukey, Additional Government Pleader for respondent
Nos.1 and 2/State.
Mr. N.A. Gaikwad, Advocate for respondent No.3.

CORAM: ANIL S. KILOR & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 05.08.2025.

JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Rule. Rule made returnable forthwith. Heard finally by
consent of learned Advocates for the parties.

2. In the instant matter, the petitioner is questioning the legality and correctness of the impugned order dated 18.10.2024 passed by the respondent No.1-Scheduled Tribe Caste Certificate Scrutiny Committee, Yawatmal invalidating the tribe claim of the petitioner as a 'Thakur' Scheduled Tribe.

3. The petitioner claims to belong to the 'Thakur' Scheduled Tribe which is recognized at Sr. No.44 in the list of Scheduled Tribes under the Constitution (Scheduled Tribes) Order. The Sub-Divisional Officer, Washim issued the caste certificate dated 27.03.2018 to the petitioner certifying her as belonging to 'Thakur' Scheduled Tribe. The petitioner requires the tribe validity certificate for the purpose of admission in the course of Engineering at Chhatrapati Sambhajnagar. Therefore, the college had forwarded the proposal along with requisite documents to the respondent-Committee for verification on 18.09.2023. The petitioner along with her claim submitted documents relating to her paternal blood relatives, including

records prior to the year of 1950 showing entries of 'Thakur' caste. The petitioner emphasized that such pre-independence documents carry higher probative value in determining the tribe claim, as per the settled law. She also produced caste validity certificates issued to her cousin brothers namely Shantanu Ingle and Ajay Ingle.

4. The respondent-Committee forwarded the claim for vigilance cell enquiry. The vigilance cell report dated 30.07.2024 was submitted. On 24.09.2024, the Committee issued a show cause notice enclosing the said report and called for the explanation of petitioner. In response, the petitioner appeared before the Committee and filed detailed written submissions on 07.10.2024 reiterating that in all her documents, including pre-independence record, the caste 'Thakur' is clearly mentioned.

5. The learned advocate for the petitioner Mr. Suryawanshi submitted that the findings of the vigilance cell report regarding sale of agricultural land by the relatives of the

petitioner to non-tribals are irrelevant for deciding her caste claim and submitted that such transactions attract separate consequences under the Maharashtra Land Revenue Code, 1966 and The Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 but cannot be a ground for caste invalidation.

6. The learned Advocate further submitted that there was no adverse entry in the records of the petitioner and that documents dated 05.08.1927 and 20.04.1914 pertain to her great great-grandfather, both bearing 'Thakur' entries, which were not considered by the Committee despite their high probative value. Hence, the Committee erred in invalidating the claim of the petitioner of belonging to 'Thakur' Scheduled Tribe.

7. Mr. Suryawanshi further submitted that in the Centralized Admission Process Round-I for Engineering Course, the petitioner was allotted Government College of Engineering, Chhatrapati Sambhajnagar as per the provisional allotment letter

dated 31.07.2025 issued by respondent No.3-State Common Entrance Test Cell and physical joining was scheduled between 01.08.2025 and 03.08.2025 and submission of the caste validity certificate was mandatory.

8. The learned Additional Government Pleader Mr. Ukey vehemently opposed the submissions made on behalf of the petitioner by relying on the findings of the vigilance cell report and reasons as stated in the order of invalidation. He contented that during the vigilance enquiry, the statement of her father Bhika Hari Ingle was recorded, who attempted to describe the customs, traditions, marriage rituals, dress, music, dance, and food of the 'Thakur' community, but the information provided was incomplete and lacked specificity. The vigilance cell revealed that most documents submitted were of post-independence period and thus, secondary in evidentiary value. It was further submitted that several paternal and maternal relatives of the petitioner had sold agricultural land to non-tribals without permission in

violation of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 and Sections 36 & 36(A) of the Maharashtra Land Revenue Code, 1966. In these sale deeds, the vendors represented themselves as non-tribals. Reliance is placed on the order of the Maharashtra Revenue Tribunal dated 31.01.1981 in Appeal No.58/B-109/81 holding that 'Thakur' in Akola district is not a Scheduled Tribe community.

9. With respect to birth records dated 20.04.1914 and 05.08.1927, the Committee noted that the petitioner did not establish the identity of the child mentioned therein or proved linkage to her genealogy. The caste column merely stated 'Thakur' without independent supporting evidence. Other documents such as farm certificates, school record dated 20.06.1949 and post-independence records were rejected for lack of corroborating affidavits or due to being recent and of lesser probative value.

10. The learned A.G.P. further questioned the authenticity of the validity certificates issued to Ajay Bhagwat

Ingle and Shantanu Bhagwat Ingle as their names did not appear in the original genealogy submitted in 2023 but were added later in 2024. The father of the petitioner admitted that no one in the family had studied in tribal ashram schools, participated in cultural programs or had inter-caste marriages and that cultural traits associated with the Thakur tribe were absent. The learned Additional Government Pleader further argued that based upon the assessment of the Committee, the petitioner failed to produce reliable pre-independence documentary evidence proving her tribe claim, failed to satisfy the affinity test and that there were indications of misusing or attempting to misuse the caste name by others for educational and employment benefits.

11. Heard the learned Advocate for the petitioner and the learned Additional Government Pleader for the respondent Committee and perused the record.

12. The caste claim of the petitioner of belonging to 'Thakur' Tribe is rejected on the ground that the petitioner failed

to prove Thakur caste through documentary evidence and satisfy the affinity test which was not matched with claim of the petitioner.

13. On perusal of the record, it is seen that the petitioner has relied on the pre-independence documents like the school record of cousin uncle Keshao Bankat of 05.04.1933 and school record of the grandfather Hari Namdeo of 20.06.1949, the birth record of a male child on 05.08.1927 relating to great great-grandfather Bankat Thakur and birth record of a male child of same person on 20.04.1914. Though said documents were provided by the petitioner, the said documents are rejected merely on the ground that though birth registers of the male child born to great great-grandfather Bankat Thakur in 1927 and 1944 are produced but other documents in support of the same like school record or the other documents are not provided and, therefore, said documents are not considered. The documents pertaining to

caste Thakur is not denied, however, acquirement of supporting documents is not correct to discard said documents.

14. The next ground on which the caste claim of the petitioner is rejected is that in 1995, 2000 and 2001 the cousin grandfather and the great great-grandfather of the petitioner had sold the agricultural land to the non-tribal persons which proves that the petitioner's ancestors were not from tribal class and, therefore, the documents which were filed by the petitioner earlier to these documents are not considered. On perusal of the reply given by the father of the petitioner, it appears that those persons were illiterate and they were not knowing that the agricultural land of the tribal person cannot be sold to the other person other than the said tribe. It is submitted that because of illiteracy it happened. The documents which are of 1914, 1927, 1933 and 1949 are not considered by the Caste Scrutiny Committee.

15. The petitioner has also produced on record the validity certificate issued to the paternal uncle of the petitioner namely Shantanu Bhagwat Ingle on 25.9.2023 and to one Ajay Bhagwat Ingle. Said documents are not considered by the Committee stating that names of said persons are inserted afterwords. The petitioner's father had given an affidavit and stated on oath that said persons are in his relation and inadvertently in earlier genealogical tree their names are not mentioned. Considering the affidavit given by the father of petitioner and the reason for non-consideration of pre-independence documents by the Committee, it appears that the Committee has erred in rejecting the claim of the petitioner.

16. The next ground for rejecting the tribe claim of the petitioner is that the affinity test is not satisfied by the petitioner. The father of petitioner clearly stated in his affidavit that they are staying in urban area with other community and as the petitioner is brought-up along with said persons, who are staying nearby,

there might be some cultural differences and, therefore, this cannot be a ground to reject the tribe claim of the petitioner.

As the pre-independence documents are there and rejection of said documents by the Committee is not satisfactory, Thakur caste is not denied by the Caste Scrutiny Committee of said persons and that only supporting documents are not filed on record, cannot be a ground to discard said documents.

17. In Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti V/s. State of Maharashtra and others reported in **2023(2) Mh.L.J.785**, it is held that affinity test cannot be treated as a litmus test. The entire material on record has to be considered while verifying the tribe claim of a candidate.

18. The observations in case of Apoorva Vinay Nichale V/s. Divisional Caste Certificate Scrutiny Committee No.1 and others reported in **2010(6) Mh.L.J. 401** clearly supports the claim of the petitioner as the petitioner has filed on record the validity

certificates of cousin uncle and one blood relative. As the validity certificates of blood relatives are there and their names are mentioned in the genealogical tree, sufficient material is there to issue the validity certificate to the petitioner.

19. For the aforesaid reasons, writ petition needs to be allowed. Accordingly, we pass the following order:-

- (i) The petition is allowed.
- (ii) The order dated 18.10.2024 passed by the Scrutiny Committee is quashed and set aside.
- (iii) The respondent Committee is directed to issue validity certificate to the petitioner within a period of three months from the date of receipt of this judgment and order.
- (iv) Rule accordingly. No costs.

(MRS.VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)