



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

WRIT PETITION NO.2580 OF 2024

Kailas s/o Shankar Bhalerao
Age : 35 years, Occ : Student,
R/o. Rokadiya Nagar, Near Water
Tank, Shegaon, Tq. Shegaon,
Dist. Buldana. .. Petitioner

.. Versus ..

Schedule Tribe Caste Certificate
Scrutiny Committee, Sai Uttam Vila,
House No.3, Near Rangoli Ground,
Shastri Nagar, Yavatmal, Through
its Member Secretary. .. Respondent

.....
Shri Ankush P. Kalmegh, Advocate for Petitioner.
Shri S.B. Bissa, AGP for Respondent/State.
.....

CORAM : SMT. M.S. JAWALKAR AND
PRAVIN S. PATIL, JJ.
DATED : 17th JULY, 2025.

JUDGMENT [Per : Pravin S. Patil, J.]

1. **Rule.** Rule made returnable forthwith. By consent of the learned Counsel for the parties, the matter is taken up for final disposal.

2. By this petition, the Petitioner is challenging the order of Respondent-Committee dated 04.10.2023, by which the caste claim of the petitioner is rejected.

3. It is the case of the Petitioner that on receipt of caste certificate issued by Sub-Divisional Officer, Darvha dated 04.01.2019, Petitioner submitted the tribe claim for verification to the Respondent-Committee on 23.09.2019. Along with the proposal, Petitioner has submitted the pre-independence documents and caste validity certificates issued in favour of paternal side blood relatives. As such, it is his submission that on the basis of those documents, the learned Committee ought to have granted him the caste validity certificate.

4. On the other hand, the learned AGP appearing for the Scrutiny Committee, stated that after the verification of the caste claim, they found that one entry in the name of one Shankar Shivram Thakre, who is a cousin great grandfather of the Petitioner, there is a doubt in the surname and the caste of that person. Secondly, the caste validities relied upon by the

Petitioner are from the other Caste Scrutiny Committees which are not binding upon them and lastly relied upon certain sale transaction wherein the caste of those persons is not shown as 'Thakur'.

5. In support of the submission, the Petitioner has relied upon the following case laws :

1] Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti .vs. State of Maharashtra and others, reported in 2023 (2) Mh.L.J. 785.

2] Priya Pramod Gajbe .vs. The State of Maharashtra and others, reported in (2023) 9 S.C.R. 1261.

3] Writ Petition No.2685/2022 (Ku. Shravani d/o Ganesh Wankhede .vs. State of Maharashtra and others, decided on 16th September, 2022).

4] Writ Petition No.5593/2022 (Hemant s/o Wasudeorao Chavhan .vs. Schedule Tribe Caste Certificate Scrutiny Committee, Amravati Division, decided on 09th July, 2024).

5] Writ Petition No.2815/2022 (Sunil s/o Subhashrao Chavan and one .vs. The Scheduled Tribe Caste Certificate Scrutiny Committee and others, decided on 24th June, 2025).

6. We have heard both the counsel at length and considered the documentary evidence produced on record.

7. From the perusal of the record, it is seen that the Petitioner has placed on record the caste validity certificate of one Raja Hemant Bhalerao issued on 05.07.2019 by Scrutiny Committee, Amravati, who is cousin brother of the Petitioner; caste validity of Sangita Sahebrao Bhalerao, who is the cousin aunt dated 03.01.2014 from Scrutiny Committee Thane; Savita Sahebrao Bhalerao, cousin aunt dated 16.09.2014 issued by Caste Scrutiny Committee Thane; Vaibhav Sajayrao Bhalerao, cousin brother issued by Nagpur Scrutiny Committee dated 29.07.2019; Anil Vasantrao Bhalerao, cousin uncle issued by the Nagpur Scrutiny Committee dated 29.07.2019.

8. In Addition to the same, Petitioner also produced on record the pre-independence documents of his grandfather namely, Laxman Kisan Bhalerao, dated 01.03.1942, 15.04.1941, so also the documents of great grandfather namely, Kisan Thakur, dated 21.06.1938 and 09.11.1935.

9. From the perusal of the above said documents, it is clear that the Petitioner has established before the Committee that his forefathers, ancestors belonging to caste 'Thakur'. It is by and now well settled position of law and particularly as per the law laid down in the case of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti .vs. State of Maharashtra and others, reported in 2023 (2) Mh.L.J. 785*** that the pre-independence documents should be given more weightage and it is further held that affinity test is not a litmus test to decide the caste claim and is not an essential part in the process of determination of a correctness of a caste or tribe claim in every case.

10. It is further pertinent to note that in same judgment the Hon'ble Supreme Court has specifically dealt with Rule 12 (2) of the Rules, 2003 and thereby held that the Caste Scrutiny Committee should not mechanically forward the application to the vigilance cell for conducting an enquiry. It is necessary for the scrutiny committee to apply its mind and record the reasons as to why the documents relied by the petitioner are not reliable and scrutiny of the same is required in the matter.

11. However, from the perusal of the impugned order, we notice that no such reasons are recorded to reflect the application of mind while forwarding the application to Vigilance Cell. It seems that mechanically, the documents which are relied by the petitioner are forwarded to the Caste Scrutiny Committee. As such, we are of the opinion that there is a violation of Rule 12 (2) of the Rules at the instance of the Committee.

12. Furthermore, in the case of *Anand .vs. Committee for Scrutiny and Verification of Tribe Claims*, reported in *2011 (6) Mh.L.J. (S.C.) 919*, the broad parameters are laid down while dealing with a caste claim with a rider that Committee should decide the claim on material produced by the applicant, the Committee is not expected to gather evidence on its own to prove or disprove the caste claim. However, we notice that the parameters laid down in the case of *Anand .vs. Committee for Scrutiny and Verification of Tribe Claims* (supra) are not followed by the Committee Members.

13. In the present case, the Committee has relied upon the entry of Shankar Shivram Thakre, who is the cousin great grandfather of the petitioner. According to the respondent-Committee the said entry is doubtful because surname is shown as 'Thakre'. Learned counsel for the petitioner has specifically taken us to the explanation tendered by petitioner before the Committee on 14.08.2023 and document dated 11.02.1914 and 24.03.1911 which are extract of Kotwal Book. From the bare perusal of the said document, it is clearly established that the entries is of caste 'Thakur', but in the impugned order of the respondent-Committee, there is no consideration to this explanation tendered by the petitioner. Only on the basis of stray entry, which apparently seen to be human or typographical mistake while recording the entry rejected the caste claim of petitioner.

14. The counsel for petitioner has rightly pointed out the observations made by this Court in *Writ Petition No.5593/2022* in the case of *Hemant s/o Wasudeorao Chavhan .vs. Schedule Tribe Caste Certificate Scrutiny Committee, Amravati Division,*

Amravati which is passed by relying upon the judgment of ***Priya Pramod Gajbe .vs. State of Maharashtra and others, 2023 SCC Online SC 909***, wherein Hon'ble Supreme Court observed as under :

10. A perusal of the report of the Vigilance Committee itself would reveal that the appellant's great grandfather's birth record show the caste as 'Mana'. The said document relates to as early as 10th March, 1924, while another document of 14th April 1926 shows as 'Mani'. However, it is pertinent to note, and learned counsel for the parties also agree, that there is no caste named 'Mani'. It is thus possible that there could be some mistake in writing when the caste was written. It is to be noted that original record is written in Marathi and not in English. As such, such an error is quite possible."

Hence, considering the fact that in present matter also, the caste is mistakenly recorded as 'Thakre' instead of 'Thakur', we find no merit in the submission of Respondent-Committee.

15. In respect of the findings of the learned Committee that the petitioner's paternal relatives obtained the caste validity from other Scrutiny Committees and same are not binding on him. In this regard, this court has specifically held in ***Writ Petition No.2685/2022 (Ku. Shravani d/o Ganesh Wankhede .vs. State of Maharashtra and others)*** that

“the rejection of the caste claim on the ground that caste validity certificate obtained from other Scrutiny Committee is unsustainable because there is no law which restricts the validity certificate only to the area over which the Scrutiny Committee has its jurisdiction. Once the validity certificate is granted to a claimant, it becomes a conclusive proof of the social status acquired by that person for all purposes and in any territory where such proof is required to be submitted.” Hence, considering the law laid down by this Court which is holding the field, we find that the reasons recorded by the Scrutiny Committee in this regard are not acceptable.

16. In respect of observation of the Caste Scrutiny Committee that the sale transactions which were recorded by the vigilance cell shows that in the said transaction caste of petitioner's relatives is not mentioned as 'Thakur' Scheduled Tribe. However, Petitioner specifically denied the relations with the said persons and also the sale transactions which respondent-committee has relied upon. But in the impugned order, we do not find any discussion as to how Committee has established relation of that persons with Petitioner and then

relied on documents. Hence, relying on documents which were not the part of record vitiates the impugned order.

17. In the circumstances, we concluded that the Scrutiny Committee failed to consider the pre-constitutional documents which are very much available on record, secondly the caste validity certificates of paternal side relatives of the petitioner are also not taken into consideration which, according to us, is direct violation of the law laid down by this Court in the case of *Apoorva d/o Vinay Nichale ..vs. Divisional Committee, reported in 2010 (6) Mh.L.J. 401*.

18. Hence, for the aforesaid reasons, the impugned order deserves to be quashed and set aside. Accordingly, we pass the following order :

O R D E R

- (i) The writ petition is allowed.
- (ii) The order dated 04.10.2023 passed by the Respondent-Scrutiny Committee, Yavatmal is hereby quashed and set aside.
- (iii) It is declared that the petitioner has proved that

he belongs to caste of 'Thakur' Scheduled Tribe and accordingly, the respondent-committee is directed to issue the Caste Validity Certificate to the petitioner within a period of four weeks from the date of production of this order. No costs.

19. Rule is made absolute in the above terms.

(Pravin S. Patil, J.)

(Smt. M.S. Jawalkar, J.)