



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

WRIT PETITION NO.2910 OF 2020

Niranjan s/o Manohar Suryawanshi
Aged about 23 years, Occ: Student,
R/o At Post Satefal, Tah. Ner (Parsopant)
District Yavatmal.

...PETITIONER

...V E R S U S...

1. The Vice-Chairman/Member-Secretary,
Scheduled Tribe Caste Certificate
Scrutiny Committee, Chaprashipura,
Amravati.
2. Adiwasi Nokarvarg Thakur and
Thakur Samaj Utkarsha Institute, Branch
Sangamner, District Ahmednagar
Through Secretary Shri Kantaram
S/o Narayan Khandvi,
Aged about Major, Occ: Private,
R/o Sangamner, Tahsil Sangamner,
District Ahmednagar.

Added as per
Court's order
dated 12.10.2020

...RESPONDENTS

Ms Himani Kavi alongwith Ms Preeti, Advocates for petitioner.
Shri A.V. Palshikar, A.G.P. for respondent no.1/State.

CORAM : SMT. M.S. JAWALKAR & M.W. CHANDWANI, JJ.
DATE : 16.12.2025

ORAL JUDGMENT : (Per : M.W. Chandwani, J.)

1. **Rule.** Rule made returnable forthwith. Heard finally
with the consent of both the parties.
2. The caste claim of the petitioner who claims to be
belonging to "Thakur" (Scheduled Tribe) came to be invalidated

by the respondent no.1 – Scheduled Tribe Certificate Scrutiny Committee, Amravati (for short “**Committee**”) by order dated 19.08.2020.

3. The petitioner is a student who intends to pursue higher education and wants to incur benefits of the Scheduled Tribes category. Therefore, he applied for validation of his caste claim. The petitioner claims that he belongs to ‘Thakur’ (Scheduled Tribe). After obtaining caste certificate, he applied for validation of his caste claim before the respondent no.1 – Committee. He submitted six documents related to himself and his forefathers showing their caste as “Thakur” (Scheduled Tribe) dating way back to the year 1917.

4. It appears that respondent no.2 intervened and complained before the respondent no.1 – Committee that the petitioner does not belong to “Thakur” (Scheduled Tribe). The case of the petitioner was referred to the Vigilance Cell for enquiry. The Vigilance Cell after conducting enquiry, opined that the petitioner does not satisfy the affinity test. Relying on the Vigilance Cell report as well as doubting the document dated 05.08.1917 i.e. the birth extract of a male child born to Baliram, the great-grandfather of the petitioner, the committee invalidated

the caste claim of the petitioner. Feeling aggrieved, the instant petition came to be filed.

5. We have heard the learned counsel for the petitioner as well as the learned Assistant Government Pleader for respondent no.1. In spite of service through paper publication, respondent no.2 chose not to appear.

6. We have perused the record of the respondent no.1 – Committee as well as the impugned order wherein, it is revealed that the petitioner has filed almost six documents to support his caste claim. The oldest document is the birth extract entry of a male child born to Baliram Thakur on 05.08.1917. This document has been discarded on the ground that there is no mention of the name of the child born to Baliram. The Committee was also of the opinion that name of the father of Baliram is also not mentioned in the said document.

7. We have perused the vigilance enquiry report; it does not disclose that any contra-document was procured. Birth certificate dated 05.08.1917 (page 31) has been placed on record. There is no dispute that the forefathers of the petitioner hail from Satefal village. The birth extract of a male child born to Baliram

reveals that the said document is related to village Satefal. Respondent no.1-Committee erroneously discarded this document. That apart, there is a school leaving certificate belonging to the uncle of the petitioner namely Shridhar Lakhu Suryawanshi (page 32) wherein, the date of admission is shown as 01.07.1963. In the said certificate, the caste of the uncle is recorded as “Thakur”. There are other contemporary documents of the petitioner and his forefather having consistent entries of “Thakur”. However, the Committee solely relied on the affinity test conducted by the Vigilance Cell.

8. Needless to mention that, affinity test is not a litmus test for deciding the caste claim of the claimant. It may be one of the considerations but not the sole criteria for deciding the caste claim of the petitioner. A reference can be made to the decision of Supreme Court in the case of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others*¹. Therefore, the findings recorded by the committee are contrary to the dictum of the Supreme Court. We are of the opinion that the findings recorded by the respondent no.1–Committee are required to be set aside. Hence, we pass the following order:

1 (2023) 16 SCC 415

9. The writ petition is allowed.
10. The impugned order dated 19.08.2020 passed by the respondent no.1 – Scheduled Tribe Certificate Scrutiny Committee, Amravati in Case No.5/510/Edu./112017/109632 is hereby quashed and set aside.
11. It is hereby declared that the petitioner belongs to ‘Thakur’, Scheduled Tribe.
12. The respondent no.1– Scheduled Tribe Certificate Scrutiny Committee, Amravati is directed to issue Validity Certificate to the petitioner within two months from the date of receipt of this order.
13. Rule is made absolute in the abovesaid terms. No order as to costs.

(M.W. CHANDWANI, J.)

(SMT. M.S. JAWALKAR, J.)

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