



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

WRIT PETITION NO.2569 OF 2025

Sumit S/o Pradip Suryawanshi,
Age 18 years, Occu: Student,
R/o Gori, Sonala,
Tq. Mangrulpir, Dist. Washim.

...PETITIONER

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

1. Scheduled Tribe Caste Certificate Committee, Amravati Division, Old by pass road, Chaprashipura, Amravati, through its Vice Chairman/ Joint Commissioner.
2. State Common Entrance Test Cell, Maharashtra State, Mumbai, 8th Floor, New Excelsior Building, A.K. Nayak Road, Fort, Mumbai-400001, Through its Commissioner / Competent Authority.
3. Government College of Engineer, Yavatmal, Dhamangaon Road, Yavatmal, through its Principal.

...RESPONDENTS

Respondent nos.2
and 2 are added
vide Court's order
dated 03.09.2025

Shri S. M. Golhar, Advocate for petitioner.
Shri A.V. Palshikar, A.G.P. for respondent nos.1&3/State.
Shri N.S. Gaikwad, Advocate for respondent no.2.

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 31.01.2025.

3. The petitioner who is pursuing his studies, claims to be belonging to “Thakur” (Scheduled Tribe). In order to avail the benefits available to a candidate belonging to Scheduled Tribes, the caste claim of the petitioner was forwarded by the Principal, Laxmichand Vidyalaya and Junior College, Shelubazar, Tah. Mangrulpir, District Washim to the respondent no.1 – Committee. He submitted around twelve documents related to himself and his forefathers dated way back to the year 1911 showing consistent entries of “Thakur”. The respondent No.1-Committee referred the matter to the Vigilance Cell for enquiry. The Vigilance Cell collected two documents, i.e. the birth extract of a daughter born to Kashirao dated 06.10.1913, who is the great-great-grandfather of the petitioner showing his caste as “Bhat”. Another document i.e. the birth extract of a daughter born to the cousin great-grandfather of the petitioner dated 06.08.1931 also showing the caste as “Bhat”. Therefore, the respondent no.1-Committee relying

on these documents, invalidated the caste claim of the petitioner. The respondent no.1-Committee ignored the document of the year 1911 only on the ground that “Thakur” (Scheduled Tribe), is not the only caste which exists and there are people belonging to “Thakur” who are not Scheduled Tribes. Merely because “Thakur” is mentioned in the document, it does not conclusively predicate that the petitioner belongs to Scheduled Tribes.

4. We have heard the learned counsel for the petitioner as well as the learned Assistant Government Pleader for respondent nos.1 and 3. We have gone through the record of the respondent no.1-Committee.

5. It is worthwhile to mention here that, two cousins of the petitioner namely Kalyani D/o Gajanan Suryawanshi and Komal D/o Gajanan Suryawanshi as well as cousin uncle namely Gajanan S/o Haribhau Suryawanshi have been granted validity certificates of their caste claim under the dictum of this Court in Writ Petition Nos.238 of 2023 and 1810 of 2022 respectively. In the said writ petitions, the document belonging to the year 1913 showing the contra-entry has been considered by this Court in paras 8 and 9 of the decision to observe that this entry cannot be

considered for invalidation of the caste claim of the petitioners therein. Paras 8 and 9 of the decision are reproduced as under.

“8. As such, the reasons given by the Scrutiny Committee are not sustainable for discarding the validity certificate of uncle of the Petitioners. Another ground for invalidation of the tribe claims is that there are three entries of ‘Bhat’. First in respect of Galwanti Kashirao dated 18/10/1912 who is the wife of great-grandfather of the Petitioners. This entry cannot be considered for invalidation of the tribe claims of the Petitioners as the same is not in respect of the blood relative from the paternal side. The second entry is of 06/10/1913 wherein only Kashirao is mentioned and the entry is shown as ‘Bhat’ (Page 103). Insofar as the second entry i.e. in respect of Kashirao is concerned, there is no detail of Kashirao whether he is in blood relation with the Petitioners. Moreover, the typed copy is not as per the scanned copy. Therefore, this entry cannot be relied on. Insofar as the third entry which is in respect of Dattu Kashirao is concerned, the birth entry is mentioned as 27/12/1937. In spite of the clear words mentioned as ‘Dattu Kaka Pandit Bhat’, the Scrutiny Committee deliberately written as ‘Dattu Kashirao Bhat’ so as to invalidate the claims of the Petitioners. ...

9. As such, all these above three entries cannot be considered for invalidation of the tribe claims of the Petitioners. As referred above, there are as many as 15 old entries prior to 1950 in respect of the blood relatives of the Petitioners.”

6. The learned AGP vehemently submitted that Kalyani and Komal who are the alleged cousin sisters of the petitioner are not shown in the family tree submitted by the petitioner.

7. We have gone through the family tree. Though, the entire family tree has not been described by the petitioner; however, perusal of the family tree reveals that Gajanan Kashirao Suryawanshi, who is the father of the cousins namely Kalyani and Komal is very well mentioned in the family tree. Thus, it appears that the family tree has been described up to the father of the cousin sisters Kalyani and Komal.

8. Another ground which has been raised by the learned A.G.P. is that in the case of Kalyani and Komal the common ancestor namely Kashirao / Kashinath of whom the petitioner claims to be a descendant is not shown in the family tree submitted by Kalyani and Komal.

9. No doubt, the great-great-grandfather Kashirao is not appearing in the family tree of Kalyani and Komal; however, perusal of the decision in Writ Petition Nos.238 of 2023 and 1810 of 2022 reveals that the caste claim of Kalyani and Komal was invalidated by the Scrutiny Committee on the contra-entry dated 06.10.1913 showing Kashirao as "Bhat". Therefore, the reason of

validation by the Committee in the case of Kalyani and Komal itself goes to show that Kashirao was related to Kalyani and Komal to whom the validity certificates were granted by this Court. Therefore, we do not find any substance in the submission of the learned AGP.

10. Since, the document dated 06.10.1913 has already been considered by this Court in the decision in the aforesaid writ petitions filed by Kalyani and Komal, the invalidation on the basis of that document cannot be sustained in the eyes of law.

11. The Committee ignored the document dated 11.12.1911 i.e. school entry register of the cousin great-grandfather of the petitioner is showing the caste of Dattu Kashirao as “Thakur” only on the ground that there are two categories of Thakur; one is Scheduled Tribe and another is a non-scheduled tribe. We find that this finding of the Committee is erroneous and against the dictum of the Full Bench of this Court in the case of *Maroti s/o Vyankati Gaikwad and others Vs. Deputy Director and Member Secretary, the Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati* ¹ as well as the decision of the Apex Court in the case of *Maharashtra Adiwasi Thakur*

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12. Now, what remains is one stray entry dated 06.08.1931 of “Bhat” in the birth extract of the daughter of the great-grandfather of the petitioner. In wake of the voluminous documents wherein the caste of the forefather of the petitioner is shown as “Thakur”, more particularly in the oldest document of year 1911 i.e. school entry register of the cousin great-grandfather of the petitioner, the Committee should not have relied on the stray entry of the year 1931. Therefore, the impugned order does not sustain in the eyes of law. Accordingly, we pass the following order:

13. The writ petition is allowed.

14. The impugned order dated 31.01.2025 passed by the respondent no.1 – Scheduled Tribe Certificate Scrutiny Committee, Amravati in Case No.सआ/अजप्रतस/अम/5/503/Edu/112023/240787 is hereby quashed and set aside.

15. It is hereby declared that the petitioner belongs to “Thakur”, Scheduled Tribe.

16. The respondent no.1– Scheduled Tribe Certificate

¹ 2023 (2) Mh.L.J. 785

Scrutiny Committee, Amravati is directed to issue Validity Certificate to the petitioner within two months from the date of receipt of this order.

17. 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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