



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

WRIT PETITION NO.667/2023

Srushti D/o Bhalchandra Dhumal,
aged about 19 Yrs., Occu. Student,
R/o at Dhankeshwar, Post Pardi,
Tq. Pusad, Distt. Yavatmal,
presently at Nagpur.

... Petitioner

- Versus -

1. The State Common Entrance Test Cell, Maharashtra State, through its Commissioner & Competent Authority Mumbai, 8th Floor, New Exelsior Building, A.K. Marg, Fort, Mumbai 400 001.
2. The Principal,
Shri Shivaji College of Horticulture,
Amravati, Tq. and Distt. Amravati.
3. Dr. Punjabrao Deshmukh Krishi Vidyapeeth, Akola, through its Registrar, Akola, Tq. & Distt. Akola.
4. The Scheduled Tribe Caste Certificate Scrutiny Committee, through its Member Secretary and Deputy Director, Irwin Chowk, Amravati, Distt. Amravati.

... Respondents

Ms. Rashi Nagrale, Advocate i/b. Mr. Ashwin Deshpande,
Advocate for the petitioner.

Mr. N.R. Patil, A.G.P. for respondent No.1.

Mr. M.G. Zade, Advocate h/f Mr. K.P. Mahalle, Advocate for
respondent No.2.

Mr. Arjun Sambre, Advocate for respondent No.3.

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

DATED: 06.08.2025.

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

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

2. Being aggrieved by the order passed by the Caste
Scrutiny Committee dated 03.01.2022 the petitioner has filed this
petition.

3. The respondent No.1 has invalidated the tribe claim
of the petitioner for Thakur Scheduled Tribe category and
ultimately cancelled and confiscated the certificate dated

07.12.2018 issued by the office of Sub-Divisional Officer, Umarkhed.

4. The admission of the petitioner was in the Scheduled Tribe category in 12th standard at Rajashree Shahu Junior Science College, Nijampur, Tq. Risod, Distt. Washim. The claim for verification was forwarded to respondent No.4-Committee, through the Principal and the petitioner also filed online application form for verification on 9.9.2021 along with all the documents which includes pre-constitutional documents of his great-grandfather where the caste is mentioned as “Thakur”. The tribe claim of the petitioner was pending with respondent No.4-Committee for a long period and application for provisional admission was rejected due to non-submission of validity certificate. Therefore, the petitioner had filed petition before this Court being Writ Petition No.5535/2021. This Court passed an order and directed the Scrutiny Committee to decide the claim within a period of three months from the date of order and

further directed that the petitioner's claim for admission to be considered from the reserved Scheduled Tribe Category. Said order was not complied by respondent Nos.1 and 2 and they denied the provisional admission to the petitioner, therefore, the petitioner had filed Contempt Petition No.315/2021 in pursuance of order dated 27.12.2021 passed in Writ Petition No.5535/2021.

5. During the pendency of above-said contempt petition, the respondent No.1 - CET Cell filed Civil Application No.25/2022 for recalling the interim order dated 27.12.2021 passed in Writ Petition No.5535/2021 and the Court recalled the interim order dated 27.12.2021 and the petitioner was granted admission in open category and, therefore, the contempt petition was disposed of.

6. Along with the show cause notice, petitioner received the Police Vigilance Report dated 20.12.2021 on 21.12.2021. In said report, the Police Vigilance Officer came up with one

document belonging to “Marathi”. The father of the petitioner had submitted the reply to the Police Vigilance Report. The Committee passed an order and invalidated the tribe claim of the petitioner.

7. The learned Advocate for the petitioner has argued that the claim was invalidated on the ground of the affinity test. One document, which in Vigilance Enquiry the Vigilance Cell has obtained, is of the wife of great great-grandfather of the year 1914 where the caste is mentioned as “Marathi”. The petitioner has relied on the judgment in case of Vilas Dinkar Bhat V/s. State of Maharashtra and others reported in **2021(2) Mh.L.J.385** wherein this Court has observed that the caste recorded as “Marathi” is not a caste but a language and, therefore, the documents or the entries showing the caste as “Marathi” cannot be considered as adverse to the petitioner’s claim. Hence prayed to set aside the order passed by the Caste Scrutiny Committee.

8. Heard the respective learned Advocates for the parties and perused the record.

9. The petitioner has filed oldest document of his great great grandfather dated 12.11.1928 according to which the male child was born to great great grandfather Seku Thakur. Another entry of Thakur is of great grandfather Tukaram Sakharam dated 20.12.1932. The birth record of male child born to great grandfather i.e. Tukaram Shekba Thakur is of 08.03.1951. The admission register of petitioner's cousin grandfather Satyaprakash Tukaram Dhumal is dated 25.7.1967. All these entries from 1928 are of the caste "Thakur". The Vigilance Cell has relied on the document which is of great great grandfather wherein the caste is mentioned as "Marathi". "Marathi" is not a caste and it is a language as is observed by this Court in case of Vilas Dinkar Bhat (supra).

10. The petitioner is staying in the city. The affinity test is not matched, is one of the reasons for rejecting tribe claim of petitioner. Insofar as the aspect of affinity is concerned, this issue

has now been decided by the Hon'ble Supreme Court in its decision in Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti V/s. State of Maharashtra and others reported in **2023(2) Mh.L.J.785**. It has been held therein that affinity test is not a litmus test. The entire material on record has to be considered while verifying the tribe claim of a candidate.

11. As the old entries are of Thakur Tribe and the Vigilance Committee has relied on the document from the maternal side i.e. the document of wife of great great grandfather, which is not permissible, hence the order passed by the Scrutiny Committee is required to be set aside.

12. For the aforesaid reasons, we pass the following order:-

- (i) The petition is allowed.
- (ii) The order passed by the Caste Scrutiny Committee is hereby quashed and set aside.
- (iii) The Scrutiny Committee is directed to issue the caste validity certificate to the petitioner within a period of three

months from the date of receipt of copy of this judgment and order.

(iv) Rule accordingly. No costs.

(MRS.VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)

Tambaskar.