



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

WRIT PETITION NO.6083 OF 2024

Minal D/o Vijaykumar Gahlot
Aged about 18 years, Occ: Student,
R/o Sai Mandir Road, Bhamtipura,
Wardha.

...PETITIONER

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

The Joint Commissioner &
Member, District Caste Certificate
Scrutiny Committee, Wardha.

...RESPONDENTS

Ms Himani Kavi alongwith Ms Preeti, Advocates for petitioner.
Ms Priti Joshi, A.G.P. for respondent/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 “Bhamti” (3-A) (Vimukta Jati-A) came to be invalidated by the respondent-District Caste Certificate Scrutiny Committee, Wardha (for short “**Committee**”) by order dated 11.07.2024.
3. The petitioner is a student and wants to pursue higher

education; she claims that she belongs to “Bhamti” (3-A) (Vimukta Jati-A). To get the benefits of reservation granted to the Vimukta Jati-A, after obtaining caste certificate, she applied for validation of her caste claim before the respondent – Committee. She submitted documents belonging to herself as well as her forefathers including her father showing the caste as “Bhamti”. The case of the petitioner was referred to the Vigilance Cell for enquiry. The Vigilance Cell procured three documents having contra-entries showing the caste of the forefathers of the petitioner as “Rajput”. The Committee relying on these contra-entries as well as the affinity test, invalidated the caste claim of the petitioner.

4. Having heard the learned counsel for the petitioner as well as learned Assistant Government Pleader and having gone through the impugned order as well as record of the Committee, it is revealed that the father of the petitioner has already been granted validity certificate. By the impugned order, the respondent-Committee had also issued show-cause notice for cancellation of the validity certificate granted to her father; but later on, the respondent – Committee withdrew the same. We have also verified the documents relied upon by the petitioner. The oldest document is the school leaving certificate of Shankar

Gopidas Gahlot, the great-grandfather of the petitioner which shows school admission date as 02.05.1929, showing his caste as “Bhamti”. There are other post-independence documents on record showing the caste of the ancestors/relatives of the petitioner as “Bhamti”. It is also noticed that the cousin brother and uncle of the petitioner have also been granted validity certificates.

5. Having found the oldest documents of the year 1929 showing the caste of the great-grandfather as “Bhamti” as well as the validity certificates granted to the father, uncle and cousin of the petitioner, the respondent – Committee should not have relied only on some contra-entries showing the caste as “Rajput”. That apart, it is now settled by the decision of the Supreme Court in the case of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others*¹, that the affinity test is not a litmus test.

6. Considering abovesaid discussion, we are of the opinion that the impugned order does not stand to the reason and is required to be set aside by allowing the writ petition. Hence, we pass the following order:

¹ 2023 (2) Mh.L.J. 785

7. The writ petition is allowed.
8. The impugned order dated 11.07.2024 passed by the respondent – District Caste Scrutiny Committee, Wardha in Case No.W.R./ED-1/1193875/23 is hereby quashed and set aside.
9. It is hereby declared that the petitioner belongs to “Bhamit” (3-A) (Vimukta Jati-A).
10. The respondent – District Caste Scrutiny Committee, Wardha is directed to issue Validity Certificate to the petitioner within two months from the date of receipt of this order.
11. 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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