



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 7393 OF 2024

PETITIONER :

Ram Sudhakar Jawanjal
Age @ 26 yrs, Occ – Student,
R/o Daryapur, Tq. Daryapur,
Dist. Amravati.

V E R S U S

RESPONDENTS :

1. The Scheduled Tribe Certificate Scrutiny Committee, Amravati, through its Chairman having its Office at Opp. Rest House, Amravati, Tq. & Dist. Amravati.
2. The Principal
Sau. Shardadevi Pandit Polytechnic College, Chatrapati Sambhaji Nagar Road, Alni (Gadpati), Dharashiv, Dist. Usmanabad – 413501.

Shri S. M. Vaishnav, Advocate for petitioner.

Shri S. B. Bissa, Assistant Government Pleader for respondent No.1.

**CORAM: SMT. M. S. JAWALKAR AND
PRAVIN S. PATIL, JJ.**

JUDGMENT RESERVED ON : 08/08/2025

JUDGMENT PRONOUNCED ON : 18/08/2025

JUDGMENT : (PER : PRAVIN S. PATIL, J.)

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

2. By this petition, the petitioner is challenging the order dated 04/10/2024 passed by the respondent No.1 – The Scheduled Tribe Certificate Scrutiny Committee, Amravati, thereby rejecting the claim of the petitioner for “Thakur” Scheduled Tribe.

3. The facts in brief of the petition are as under :-

The petitioner claims to be belonging to “Thakur” Scheduled Tribe, which is at Sr. No.44 in the Constitution (Scheduled Tribes) Order, 1950. Accordingly, he obtained the Caste Certificate dated 10/11/2020 from the Competent Authority.

4. The petitioner on the basis of Caste Certificate obtained from the Competent Authority, secured his admission in Diploma of Mechanical Engineering in respondent No.2 – Institute. The respondent No.2 forwarded his caste claim to the respondent No.1 – The Scheduled Tribe Certificate Scrutiny Committee (For short, “Committee”) on 01/02/2024 for verification.

5. The petitioner along with his application, which was forwarded by respondent No.2 enclosed the pre-independence era documents to establish the fact that he belongs to the caste of “Thakur” Scheduled Tribe and more particularly, he has relied

upon the documents of his forefathers dated 10/12/1926, 18/06/1926 and of the year 1940. According to him, the documents of his great-grand-father clearly establish that he belongs to caste of “Thakur”.

6. That after forwarding the Tribe claim to the respondent No.1 – Committee, the documents were forwarded to the Vigilance Cell for its verification. Vigilance Cell accordingly conducted enquiry and submitted its report to the Caste Scrutiny Committee on 20/09/2024. Vigilance Cell has procured Dakhal-Kharij Register extract in the name of Ganpat Amrut from Maharana Pratap Nagar Parishad Primary School dated 01/07/2024 which shows his caste as “Bhat”. Vigilance Cell also collected the extract of Dakhal Kharij Register from Dr. Babasaheb Ambedkar Nagar Parishad, Primary Marathi School, Daryapur dated 10/12/1926, wherein, the caste of Ganpat Amrut is recorded as “Thakur”. Revenue entry dated 17/09/1948 wherein the entry in the name of Ganpat Amrut (great-grand-father) was shown to be of “Thakur”. As such, on the basis of these documents collected and verified by the Vigilance Cell, along with a genealogical tree submitted its report to the Caste Scrutiny Committee.

7. That after receipt of report of Vigilance Cell, the respondent No.1 - Committee on the same date, issued a notice dated 20/09/2024 to the petitioner and thereby, asked the petitioner to tender his explanation to the report received from the Vigilance Cell.

8. Petitioner after receipt of show cause notice, on 23/09/2024 tendered his explanation and specifically stated that he has relied upon the pre-independence era documents pertaining to his great-grand-father namely; Ganpat Amrut i.e. school extract dated 10/12/1926 of Dr. Babasaheb Ambedkar Nagar Parishad, Primary Marathi School, Daryapur, mutation entry dated 17/09/1948 in which it is clearly stated that the caste of his great-grand-father recorded as "Thakur". As such, these entries corroborate his submission. In respect of entry collected by the Vigilance Cell of Ganpat Amrut dated 01/07/1924 showing his caste as a "Bhat", the petitioner clarified that said entry seems to be wrongly recorded by the concerned school authorities because said entry does not disclose the full name of his great-grand-father and further the details of the same, do not match with the consistent entries recorded in the School and Revenue record in the name of his great-grand-father. Hence, it is stated that the

isolated entry dated 01/07/1924 showing the caste of petitioner as a “Bhat” requires to be discarded, in the light of other documents relied by him wherein the entry of his great-grand-father is recorded as “Thakur”.

9. In the background of abovesaid factual position, the respondent No.1 – Committee proceeded to decide the caste claim of the petitioner. And by the impugned order, the learned Caste Scrutiny Committee without considering explanation of petitioner and documents relied by him only on the basis of solitary entry of 01/07/1924 rejected the Tribe claim of the petitioner.

10. The petitioner in support of his submission, has relied upon the following case laws :-

i] **2024 SCC On-Line Bom. 3270** (Pradip Bhimrao Nichale and another Vrs. Scheduled Tribe Caste Certificate Scrutiny Committee, through its Member Secretary and others), Para Nos.16 and 17 of which are reproduced as under :

“16. So far as entry No.1 is concerned, name is shown as Ramkrushna Ganpat, however, there is no person by name Ramkrushna in the family tree. This entry shows date of birth of said Ramkrushna is 19/09/1918, whereas, Shriram Ganpat’s date of birth is 19/09/1926. The said Ramkrushna was admitted in school on 12/09/1923, whereas Shriram Ganpat is admitted in school on 19/03/1931. As such, the said entry is not at all in

respect of relatives of the petitioner. Other three entries are of post independence era. In the said entries also there is mention of 'Thakur' along with 'Bhat', however, Caste Scrutiny Committee conveniently not considered 'Thakur' mentioned in these documents. It is nobody's case that documents produced by the petitioner since 1931 are fraudulent or manipulated. As such, discarding those old entries having greater probative value and relying on the stray entries of 1956 showing 'Bhat' is nothing but erroneous and perverse order passed by the Caste Scrutiny Committee. It needs to be noted that in the documents of 1956 and 1954 also there is mention of 'Thakur' apart from that these three documents are subsequent to the other old documents showing entry 'Thakur'. Certainly, the old documents are having greater probative value.

17. So far as affinity is concerned, the learned Caste Scrutiny Committee ought not to have rejected the claim specifically when the documents produced by the petitioner on record showing consistent entry as 'Thakur'. Otherwise also it is settled position of law that affinity test is not a litmus test to be applied."

ii] **2024 SCC On-Line Bom. 1881** (Sanjay Vrs. Scheduled Tribe

Caste Certificate, through its Vice-Chairman/Jt. Commissioner and others, Para Nos.10, 11 and 15 of which are reproduced as under :

"10. A perusal of entry in the school admission register, for the year 1940 depicts that the father of petitioner Sanjay was born on 10.11.1932 and his caste was shown as "Thakur." The said entry appears before the entry of the year 1935. The said document along with 6 other pre-independent era documents or their genuineness is neither disputed nor denied by the Committee or vigilance Cell, as such, there is no reason to disbelieve the entries in said documents. The said 7 documents are from the year 1938 to 1950 and in all those documents, a caste of the ancestors of the petitioners is shown as "Thakur." The said documents have more probative value.

11. The main controversy arises whether a single indeterminate entry in the ambiguous document would prevail over the other undisputed entries in 7 pre-constitutional era documents. Certainly, in our opinion consistent entries in 7 undisputed pre-constitutional era documents would prevail over the ambiguous single entry as entries in 7 documents have more probative value than a single ambiguous entry in an indecisive document. Moreover, the learned counsel has submitted that in view of the dictum laid down in the judgments in the cases of

Harshal s/o. Rajendra Thakur, Rahul S/o. Ramesh Shinde, Yogesh Macchindra More, and Ranjit Dadosa More (cited supra) the single entry is not sufficient to discard the claim of the petitioners that they belong to the 'Thakur' Scheduled Tribe since the other 7 oldest entries of the pre-constitutional era are having greater probative value. Besides, it cannot be ignored that the petitioners have categorically denied the entry of the year 1935 as well as their relationship with the alleged Ramkrushna. Thus, it appears that the said document is under the cloud. In such an eventuality, it cannot be said that the said vague document of the year 1935 vitiates the entries of other documents or claims of the petitioners as they belong to the "Thakur" Scheduled Tribe.

15. Thus, to sum up the aforesaid discussion, it clearly reveals that the petitioners in support of their claim have relied upon as many as seven pre-constitutional era documents from the year 1938 to 1950. In all those documents, the caste of the ancestors of the petitioners is mentioned as "Thakur". It also seems that the oldest entry is of the year 1932 i.e. before the disputed and vague entry of the year 1935. However, the Committee has not considered the entries in the other seven documents and has given undue importance to the entry in one disputed and vague document and negated the claim of the petitioner."

iii] **2023 SCC On-Line Bom. 2565** (Ashlesha and another Vrs. Vice-Chairman/Member Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee and others), Para No.13 of which is reproduced as under :-

"13. Perusal of the record nowhere reflects that the Committee recorded its reasons as to dissatisfaction of the record and its reasons for referring the application to the vigilance. The Committee placed reliance on the documents collected by the Vigilance Cell showing adverse entries in the name of some of so claimed ancestors of petitioners who are recorded as "Bhat". The Vigilance Cell and the Scrutiny Committee placed reliance on two entries; viz. (1) birth extract registering birth entry of one "Balwant" showing male child was born on 27.3.1916 wherein he was recorded as "Bhat" and (2) birth entry of daughter of "Keshav" viz. "Gani" showing "Keshav" as "Bhat" dated 5.3.1953. While replying the Notice issued by the Committee, after receipt of the Vigilance Cell Report, petitioners denied any relationship with both entries. As far as entry No.2 is concerned, though petitioners denied any connection with the said entry, pleadings show that petitioners admitted that "Keshav" has one daughter. Placing reliance on these entries, the Committee has invalidated

the tribe claim of petitioners by giving weightage to the documents obtained by the Vigilance Cell. Admittedly, there are consistent entries since 1913 showing forefathers of petitioners as "Thakur". While ignoring the said entries, the Committee has not given any reasons for such considerations. Insofar as entry showing "Balwant" is recorded as "Bhat" in birth extract entry dated 27.3.1916, which is denied by petitioners with specific contention that the said entry is not related to their family members. The respondents could not point out through any documents that the said entry relates to "Balwant" who is shown in the family tree."

iv] **2024 SCC On-Line Bom. 2759** (Sarthak Vrs. State of Maharashtra, through its Secretary and others), Para No.16 of which is reproduced as under :-

"16. After going through the order passed by the Scrutiny Committee, it appears that, in two entries of the year 1911 and 1915 in respect of one Shamrao, his caste is shown as 'Bhat', on that basis, the claim of the petitioner was invalidated. It is very surprising that, there are as many as 11 documents of pre-independence era showing the caste of the petitioner as 'Thakur' and those are not disputed. It is also a matter of record that, the documents placed on record i.e. in respect of old documents, there are detailed description of the person i.e. his father's name, surname and caste whereas two documents which are picked up by the Vigilance Cell and Scrutiny Committee are having no details of the said person. The entry only shows that Shamrao gave birth to one son, his caste entry is shown as 'Bhat', the said entry is of year 1911, second document is in respect of Shamu who gave birth to a daughter on 14/04/1915. When the Scrutiny Committee called explanation from the petitioner it was duly explained by the petitioner. Thereafter, burden lies upon the Scrutiny Committee to establish the relation of the person with the petitioner specifically when there are no details of the person about his father's name or surname. It is alleged that these documents were deliberately suppressed, however, there is no substance in this allegation as they are not related with the petitioner. In fact, it appears that the Scrutiny Committee is bent upon to invalidate the caste claim of the petitioner. The petitioner produced as many as 30 documents including revenue record and pre-independence documents. It is a common knowledge that, there are many persons by the same name in the village. However, if there is further description, then only the person can be said to be related with the petitioner. There are details of Shamrao Naroba Thakur in the documents produced by the petitioner and these documents are not disputed."

11. The learned counsel appearing for the respondent No.1 – Committee vehemently opposed the petition by stating that the entry which is relied upon by the respondent – Committee dated 01/07/1924 is the oldest entry collected by the Vigilance Cell. As such, the old entry being of “Bhat”, the subsequent entries are of no assistance to decide the caste claim of the petitioner. Therefore, decision of respondent – Committee cannot be faulted. Hence, it is stated that there is no illegality in the impugned order and accordingly, petition being devoid of merit, same deserves to be dismissed.

12. We have considered the rival submissions made before us and also perused the entire record as well as original record produced by the respondent No.1 – Committee. We have also gone through the case laws, which the petitioner has relied upon to substantiate his submission.

13. That from the case laws which the petitioner has relied upon the legal position emerge is that a single entry which is not substantially supported by other corroborative evidence would not prevail over the undisputed entries of pre-constitutional era document, particularly when all other entries relied upon by the

petitioner are consistent and shows that the caste is rightly recorded by the Educational as well as Revenue Authorities.

14. The petitioner has taken us through the genealogical tree, which is undisputed in the present matter. As per the genealogical tree prepared by the Vigilance Cell, admittedly Ganpat Amrut is the grand-father of the petitioner. Therefore, the entries recorded in educational and Revenue record in the name of great-grand-father are relevant in the matter because same are pre-independence era documents.

15. The petitioner has firstly pointed out the school leaving extract of Dr. Babasaheb Ambedkar, Nagar Parishad, Higher Primary School, Daryapur. The said document shows the column of caste in the name of great-grand-father as “Thakur”. As per the said document, date of birth of grand-father is recorded as 01/07/1916 and date of admission in the school is recorded as 10/12/1926 and date of leaving the school is recorded as 19/07/1932. This document is not disputed in the present petition.

16. The further document which petitioner has relied upon is the School Leaving Certificate of great-grand-father dated

18/06/1926 wherein the caste of great-grand-father is recorded as “Thakur” and revenue entry dated 01/03/1942 recorded in the office of Tahsildar, Daryapur wherein the caste of the petitioner grand-father was recorded as “Thakur”.

17. In the light of above documentary evidence, we have perused the impugned order to verify as to how committee has dealt with this issue but surprisingly, we notice that there is no consideration to the consistent entries recorded in the name of grand-father as “Thakur”. The respondent No.1 – Committee only by relying upon the solitary entry dated 01/07/1924 which shows the caste of grand-father as a “Bhat” rejected the caste claim of petitioner.

18. Respondent No.1 – Committee before relying upon the entry dated 01/07/2024 was expected to consider the reply of petitioner given to the Vigilance Cell Report then ought to have discussed the reasons as to why entries of subsequent years of same person in School and Revenue are recorded as “Thakur” cannot be relied upon. Furthermore, it is the document obtained by Vigilance Cell is from other school and document relied by petitioner is from other school. But, respondent – committee failed

to consider the material aspects while deciding the Tribe claim of petitioner. Therefore, we are not satisfied with the order of respondent No.1 – committee to invalidate the caste of petitioner on the basis of solitary entry as “Bhat”.

19. That as per the case laws relied upon by petitioner, pre-independence documents are having great probative value, therefore, entries which are consistently showing the caste of grand-father recorded as “Thakur” cannot be disbelieved only on the basis of sole adverse entry of same person. Hence, applying the law laid down by this Court and particularly the observations made therein, which are reproduced above, we are of the opinion that impugned order is bad in law.

20. For the aforesaid reasons, we conclude that the petitioner proved his Tribe claim as “Thakur” Scheduled Tribe and entitled for the Caste Validity Certificate. Hence, we proceed to pass the following order :-

ORDER

- i] The writ petition is allowed.
- ii] The impugned order dated 04/10/2024 passed by respondent No.1 – The Scheduled Tribe Certificate Scrutiny Committee, Amravati in Case No.5/503/Edu/022024/261469 is hereby quashed and set aside.

iii] It is declared that the petitioner has duly established that he belongs to “Thakur” Scheduled Tribe, which is at Sr. No.44 in the Constitution (Scheduled Tribes) Order, 1950.

iv] The respondent No.1 – The Scheduled Tribe Certificate Scrutiny Committee, Amravati is hereby directed to issue Caste Validity Certificate of “Thakur” Scheduled Tribe to the petitioner within a period of four weeks.

v] Rule is made absolute in the above terms with no order as to costs.

[PRAVIN S. PATIL, J.]

[SMT. M. S. JAWALKAR, J.]