



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

WRIT PETITION NO. 394 OF 2025

Dattatray S/o. Namdeo Nimbalkar,
Age 64 years, Occ. Retired,
R/o. Rokdiya Nagar, Shegaon,
Tq. Shegaon, Dist. Buldana.

... **PETITIONER**

// VERSUS //

1. Schedule Tribe Caste Certificate Scrutiny Committee, Amravati, Old by pass Road, Chaprashipura, Amravati through its Vice Chairman/Jt. Commissioner.
2. Zilla Parisahd, Akola through its Chief Executive Officer.
3. Tahsildar, Shegaon, Dist. Buldana.

... **RESPONDENTS**

Shri A. P. Kalmegh, Advocate for petitioner.
Shri J. Y. Ghurde, AGP for respondent no. 1 and 3/State.

**CORAM :- SMT. M. S. JAWALKAR &
M. W. CHANDWANI, JJ.**

DATED :- 01.12.2025

ORAL JUDGMENT (PER: M. W. CHANDWANI, J.):-

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsels for the parties.

3. The caste claim of the petitioner has been invalidated by respondent no. 1- Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati (for short, "the Committee") vide order dated 27.08.2024 on the ground that the caste certificate produced by the petitioner was not issued by Tahsildar, Shegaon, District Buldhana and on the ground of failure to satisfy the affinity test. Currently, the petitioner has retired from service. The petitioner was appointed as 'Junior Engineer' in 1984 on a post reserved for Scheduled Tribes. Thereafter, due to non-submission of the validity certificate, retirement benefits were denied to him and therefore, the petitioner filed the application for validation of his caste claim before the Committee.

4. The petitioner filed various documents showing his as well as the caste of his forefathers as 'Thakur' (Scheduled Tribe). However, when the Vigilance Cell conducted the enquiry, it was found that the caste certificate was not issued by Tahsildar, Shegaon, District Buldhana. It was found that Tahsildar, Shegaon, District Buldhana was established only in the year 1982. However, the year in which the caste certificate was granted to the petitioner was 1981. Further, when the affinity test was conducted, the petitioner was not found to be belonging to 'Thakur' (Scheduled Tribe). Therefore, the Committee invalidated the caste claim of the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned AGP for the State.

6. A letter has been forwarded by Tahsildar, Shegaon, District Buldhana to the Committee admitting that though, the copy of the caste certificate was not found on record but they found an entry in the register mentioning issuance of the caste certificate of 'Thakur' (Scheduled Tribe) to the petitioner and therefore, the first reason of rejection of the caste claim on the basis that the caste certificate was not granted by Tahsildar, Shegaon, District Buldhana to the petitioner does not survive.

7. Coming to the point of failure to satisfy the affinity test, it has been observed by the Supreme Court in the case of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra [2023 (2) Mh.L.J. 785]*** that affinity test is not a litmus test to decide the caste claim of a claimant. It will only be one of the many considerations while issuing validity to the caste claim of a claimant. Since, there are various documents filed by the petitioner showing his as well as the caste of his forefathers as 'Thakur' (Scheduled Tribe), the sole reason for invalidating the caste claim on the ground that the customs of the petitioner do not match with 'Thakur' (Scheduled Tribe) does not stand in wake of the observations made by the Supreme

Court in the case of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti* (supra).

8. At this stage, the learned AGP brought our attention to the Vigilance enquiry report wherein, it has been observed that in the document dated 05.09.1922 i.e. birth extract of a male child born to Tukaram, the cousin grandfather of the petitioner, the caste is shown as 'Bhat'. The learned AGP vehemently submitted that the oldest document dated 05.09.1922 showing the caste of Tukaram, the cousin grandfather of the petitioner as 'Bhat' is to be relied upon.

9. We do not find any force in the point raised by the learned AGP in this regard. Rather, the petitioner replied to the Vigilance report and it was informed that the said entry is in respect of one Tukaram, a resident of Gopalkhede who is not related to the petitioner. It is submitted on behalf of the petitioner that Tukaram, the cousin grandfather of the petitioner, had only two sons Shriram and Shaligram and their date of birth are 01.03.1923 and 12.10.1941 respectively and there is no third son born to Tukaram. The name of a person called Tukaram, who is a resident of Gopalkhede as shown in the Vigilance report is only synonymous to the cousin grandfather of the petitioner. This is also verified through the document dated 05.09.1922 showing that a son was born to Tukaram on 05.09.1922.

However, Shriram, the cousin uncle of the petitioner was born on 01.03.1923 which creates a doubt whether Tukaram, the cousin grandfather of the petitioner had two sons within a span of six months; perhaps the Committee did not consider this aspect. Therefore, the submission of the learned AGP has no force.

10. Hence, we are of the opinion that the findings recorded by the Committee do not stand to the reason and therefore, they are required to be set aside. Hence, we pass the following order:-

- i) The Writ Petition is allowed.
- ii) The impugned order dated 27.08.2024 passed in case no. सआ/अजप्रतस/अम/5/ST/2013/10005 by the Committee is quashed and set aside.
- iii) It is declared that the petitioner belongs to 'Thakur' (Scheduled Tribe).
- iv) The Committee is directed to issue caste validity certificate to the petitioner within two months from the date of receipt of this order.
- v) Rule made absolute accordingly. No costs.

(M. W. CHANDWANI, J.)

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