



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

WRIT PETITION NO. 514 OF 2024

Nilesh Pralhad Ingle,
Aged 47 yrs,
Occ. Service as Police Constable,
r/o Raje Udaram Colony,
Civil Lines, Washim

..... **PETITIONER**

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

1. Scheduled Tribe Caste Certificate
Scrutiny Committee,
through its Member Secretary, Yavatmal

2. The Superintendent of Police,
Washim

.....**RESPONDENTS**

Mr. R.S. Parsodkar, Advocate for Petitioner.
Mr. P.P. Pendke, AGP, for respondents.

CORAM:- AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.
DATE : 14.02.2025

JUDGMENT (Per : Abhay J. Mantri, J.)

Heard finally with the consent of the learned Advocate
for the parties.

2. The challenge is to the order dated 03.01.2024, passed
by respondent No.1 Scheduled Tribe Caste Certificate Scrutiny
Committee, Yavatmal (for short-"*the Committee*"), which
invalidated the petitioner's caste claim that he belongs to the
'*Thakur*' Scheduled Tribe.

3. The petitioner is a Police constable. His caste claim of being a '*Thakur*' Scheduled Tribe was forwarded along with necessary documents to the Committee for verification. Dissatisfied with the documents filed by the petitioner, the Committee forwarded the proposal to the Vigilance Cell for detailed enquiry. After considering the Vigilance Cell Report, reply from the petitioner, and the documents on record, the committee invalidated his caste claim of being a '*Thakur*' Scheduled Tribe; hence, this petition.

4. The learned Counsel for the petitioner has contended that by virtue of the order dated 30.10.2023, in Writ Petition No. 5580/2017, the Committee has granted validity to the real sister of the petitioner that she belongs to '*Thakur*' Scheduled Tribe. Therefore, he urged that a petition be allowed in view of the said decision.

5. In response, the learned AGP has not disputed this fact and conceded to the petitioner's contentions, though by filing the reply, they prayed for dismissal of the petition.

6. The learned Counsel for the petitioner has also placed reliance on the decision in *Apoorva d/o Vinay Nichale vs Divisional Caste Certificate Scrutiny Committee No.1 and others (2010(6) Mh.L.J. 401 ("Apoorva Nichle")* and *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs State of Maharashtra and others, AIR 2023 SC 1657 ("Maharashtra Adiwasi Thakur Jamat")*.

7. We have appreciated the submissions of learned counsel for the parties and gone through the impugned order, the pleadings, and the citations relied upon by the petitioner. We have also gone through the judgment dated 30.10.2023 passed in Writ Petition No. 5580/2017. We have perused the original case record and returned it.

8. After considering the record and documents, vide judgment dated 30.10.2023 in Writ Petition 5580/2017, this Court directed the Committee to grant a validity Certificate to the real sister of the petitioner. Therefore, in our view, as per the dictum laid down in *Apoorva Nichle's case (supra)*, the Committee ought not to have refused to grant validity in favour of the petitioner but was required to issue validity in his favour unless the Committee finds

that the validity certificate of such relative has been obtained by fraud or was issued without any authority/jurisdiction. In such an eventuality, there is no reason for the Committee to discard said validity certificates.

9. The petitioner has produced eight documents to substantiate his case. All documents pertain to his ancestors from 1951 to 2023, where their caste was recorded as “*Thakur*.” The vigilance cell also discovered two documents prior to the pre-independent era, i.e., 1926 and 1931, wherein his ancestor's caste was recorded as “Thakur.” Neither the vigilance cell nor the committee have disputed the said entries or documents; therefore, there is no reason to disbelieve them. No adverse entry was found to the vigilance cell. Furthermore, the Scrutiny Committee has not considered the Validity Certificates issued in favour of the petitioner's real sister. However, it erred in observing that adverse entries have been found but failed to point out those. Moreover, the relationship with the said persons is not in dispute.

10. Apart from the above, the claim of the petitioner is also covered by the observations of the Hon’ble Apex Court in the case of

Maharashtra Adiwasi Thakur Jamat (supra); relevant observations are reproduced herein below:

"Affinity test cannot be termed as a litmus test, particularly when the pre-constitutional documents exist and are placed on record. Moreover, the said test cannot be said to be conclusive to determine whether the petitioner belongs to the 'Thakur' Scheduled Tribe or not".

11. Besides, it seems that in view of the law laid down in the cases of ***Apoorva Nichle*** and ***Maharashtra Adiwasi Thakur Jamat***, the petitioner's case appears to be covered. Therefore, it would be incumbent on the part of the Committee to award the same status as is awarded to his real sister that the petitioner belongs to the Thakur Scheduled Tribe.

12. In view of the discussion supra, we deem it appropriate to allow the petition.

i) The petition is allowed.

ii) Impugned order dated 03.01.2024, passed by respondent No.1 Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal, is hereby quashed and set aside.

iii) It is declared that the petitioner belongs to the '*Thakur*' Scheduled Tribe. The Committee shall issue a Validity Certificate to the petitioner within four weeks from receipt of a copy of this judgment.

13. Rule is made absolute in the above terms. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)