



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

WRIT PETITION NO. 3111 OF 2024

Ambika Rajesh Mirjamle,
Aged Major, Occ. Student,
R/o. Rajputpura, Akola.

... **PETITIONER**

// VERSUS //

District Caste Scrutiny Committee, Akola
through its Member Secretary.

... **RESPONDENT**

Shri P. R. Parsodkar, Advocate for petitioner.
Ms. Prachi Joshi, AGP for respondent/State.

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

DATED :- 25.11.2025

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 petition challenges the order of invalidation dated 04.01.2024 passed by the respondent – District Caste Scrutiny Committee, Akola (for short, “the Committee”) of the caste claim of the petitioner. The petitioner claims to be belonging to the caste

‘Telangi’ which is enlisted under Nomadic Tribe-C (NT-C) category in the State of Maharashtra vide Government Resolution dated 17.01.1990. She also got the caste certificate of ‘Telangi’ caste and applied for validation of her caste certificate before the Committee. The petitioner relied on various documents belonging to herself as well as her forefathers showing their caste as ‘Telangi’. The oldest document filed by the petitioner is the School Leaving Certificate (SLC) dated 14.07.1939 of her grandfather namely Bhaiyalal Papanna Mirjamle showing his caste as ‘Telangi’. The Committee referred the matter to the Vigilance Cell for enquiry. In the enquiry, the Vigilance Cell opined that the petitioner could not succeed in the affinity test and relying on the said report, the Committee invalidated the caste claim of the petitioner.

4. We have heard the learned counsel for the petitioner as well as the learned AGP for the State and have also gone through the record of the Committee. It appears that the oldest document referred above is the SLC of the year 1939 in the name of the grandfather of the petitioner. There are consistent entries showing the caste of the petitioner and her forefathers as ‘Telangi’. That apart, this Court by order dated 09.07.2024 passed in Writ Petition No. 7468/2023 has directed the Committee to issue validity certificate to the cousin

brother and sister of the petitioner namely Nishant Harish Mirjamle and Kalyani Rajesh Mirjamle respectively.

5. Evidently, there is no contra entry in any of the documents submitted by the petitioner showing the caste of the petitioner and her forefathers other than 'Telangi'. Apart from that, the cousins of the petitioner have been granted validity by this Court in the above referred Writ Petition. Considering these aspects, the Committee should not have rejected the caste claim of the petitioner only on the ground of failure in the affinity test.

6. Needless to mention that, in the decision in the case of *Maharashtra Adiwasi Thakur Jamat Swarashan Samiti Vs. The State of Maharashtra [2023 (2) Mh.L.J. 785]*, the Supreme Court has observed that affinity test is not a litmus test to decide a caste claim; however, it can be considered while considering the caste claim. Having considered the documents filed by the petitioner more particularly, the validity certificate granted to her cousins by this Court, we are of the considered opinion that the findings of the Committee do not stand to the reason and are required to be set aside by allowing the petition. Hence, the following order is passed:-

i) The Writ Petition is allowed.

ii) The order dated 04.01.2024 passed by the District Caste Scrutiny Committee, Akola in Case No. ED-2023-01083460 is quashed and set aside.

iii) It is declared that the petitioner belongs to 'Telangi' caste which falls under the NT-C category.

iv) The Committee is directed to issue validity certificate to the petitioner within two months from the date of receipt of this order.

Rule is made absolute in the abovesaid terms. No order as to costs.

(M. W. CHANDWANI, J.)

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