



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

WRIT PETITION NO. 7327 OF 2024

WITH

WRIT PETITION NO. 7329 OF 2024

WRIT PETITION NO. 7327 OF 2024

Shraddha Sharad Wardekar,
Age 31, Occ.: Student,
R/o. Mahavir Colony, Bypass Road,
Mangrulpir, Dist. Washim,
444403

....PETITIONER

...VERSUS...

**The Scheduled Tribe Caste Certificate
Scrutiny Committee, Yawatmal.**

...RESPONDENT

WITH

WRIT PETITION NO. 7329 OF 2024

Shreyas Sharad Wardekar,
Age 29, Occ.: Student,
R/o. Mahavir Colony, Bypass Road,
Mangrulpir, Dist. Washim,
444403

....PETITIONER

...VERSUS...

**The Scheduled Tribe Caste Certificate
Scrutiny Committee, Yawatmal**

...RESPONDENT

Shri K.P.Mahalle, Advocate with Shri V.G. Ingole, Advocate for
petitioner(s).

Ms. D.V.Sapkal, AGP for respondent(s)/State.

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

DATE OF RESERVING THE JUDGMENT : 12/08/2025

DATE OF PRONOUNCING THE JUDGMENT: 21/08/2025

JUDGMENT (PER : SMT. M.S. JAWALKAR, J.)

Rule. Rule made returnable forthwith.

2. Heard finally by consent of learned counsel
appearing for the respective parties.

3. Being aggrieved by the common impugned order
dated 20/06/2024, passed by the Scheduled Tribe Certificate
Scrutiny Committee, Yavatmal (for short, “the Scrutiny
Committee”), invalidating the tribe claims of the petitioners
for ‘Thakur’ Scheduled Tribes, the petitioners have filed the
present Writ Petitions.

4. As the order arises out of the common order dated
20/06/2024 and also the grievance is similar in both the

matters, henceforth, we will consider the Writ Petition 7327/2024 as the lead petition.

5. The facts of the case in brief are as under:-

The Petitioners belong to the 'Thakur' Scheduled Tribe listed at Serial No. 44 of the Scheduled Tribe Order, 1950. The petitioners are pursuing their education. Since the Petitioners did not have a validity certificates issued in their favour, they are pursuing their education from the Open Category. Subsequent to the admission of the Petitioners in the college, they submitted their Tribe claims belonging to the 'Thakur' Scheduled Tribe through the college to the Scrutiny Committee.

6. It is further contended by the petitioners that, along with their claims, the Petitioners submitted a family tree and 38 documents, including several pre-independence records of high probative value to establish their caste status. Further, 12 of their close relatives, whose relationship with them is traceable from the family tree, have already been

issued validity certificates. Notably, in the cases of four relatives, this Court itself directed to grant the validity. In this case, the Vigilance Cell conducted an inquiry and submitted its report on 01/03/2023, which was considered by the Scrutiny Committee. However, by an order dated 20/06/2024, the Scrutiny Committee invalidated the Petitioners' tribe claims.

7. The impugned order is now under challenge before this Court, as it was passed without proper consideration of the material on record and by relying on the documents of strangers unrelated to the petitioners. Additionally, the Scrutiny Committee's rejection is inconsistent with its own stand taken earlier in the proceedings concerning the Petitioners' relatives, as evident from its reply filed before the this Court in the case of **Saurabh and Advait in Writ Petition Nos. 5805 & 5788 of 2017, decided on 15/01/2019.**

8. The petitioners had submitted the following pre-independence documents:-

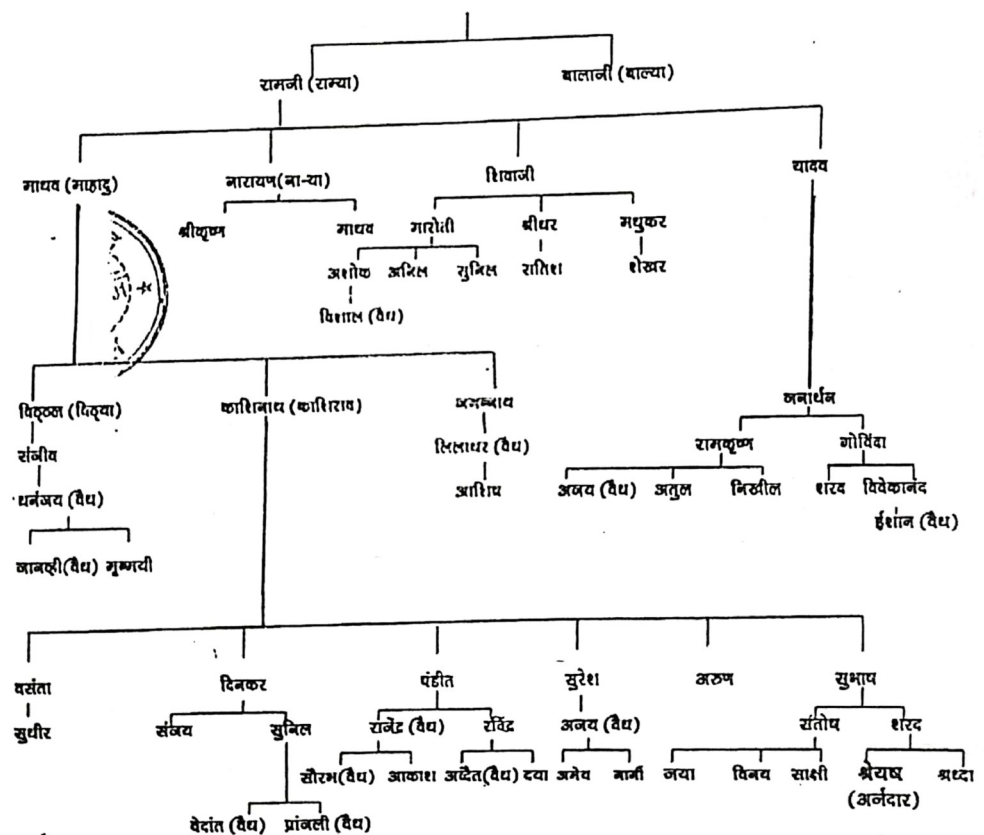
Name	Relation	Document	Date of document	Caste
Subhash Kashirao	Grandfather	School Certificate (District Primary School, Warda, Taluka Manora, District Washim)	30.06.1943	Thakur
Suresh Kashirao Wardekar	Cousin Grandfather	School Certificate (District Primary School, Warda, Taluka Manora, District Washim)	01.07.1947	Thakur
Sanjiv Vitthalrao Wardekar	Cousin Grandfather	School Certificate (District Primary School, Warda, Taluka Manora, District Washim)	28.03.1938	Thakur
Vasanat Kashirao Thakur	Cousin Grandfather	School Certificate (District Primary School, Warda, Taluka Manora, District Washim)	01.03.1935	Thakur
Pandit Kashirao Thakur	Cousin Grandfather	School Certificate (District Primary School, Warda, Taluka Manora, District Washim)	15.06.1939	Thakur
Kashinath Madhavrao	Great Grandfather	Extract of Alter-ation (Revenue Proof), Tehsil Of- fice, Manora, Dis- trict Washim	13.07.1941	--
Kashinath Madhavrao	Great Grandfather	School Certificate (District Primary School, Giroli, Taluka Manora, District Washim)	03.09.1917	Thakur
Narayan Ramji	Cousin Great Grandfather	School Certificate (District Primary School, Giroli, Taluka Manora, District Washim)	03.09.1917	Thakur

Purushottam Kashirao	Cousin Grandfather	School Certificate	01.03.1935	Thakur
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9. The genealogy submitted by the petitioners is as under:-

: वंशवृक्ष :

संभानी (संभ्या)



10. The learned counsel for the petitioners relied on the following citation:-

(i) *Ku. Prachita Dhanraj Gharat and anr. V/s. Scheduled Tribe Certificate Scrutiny Committee, Nagpur, Through its Member Secretary, Giripeth {2025 SCC OnLine Bom 2484*

- (ii) *Rushikesh Madhukar Chavan V/s. Scheduled Tribes Caste Certificate Scrutiny Committee, Amravati {2022(2) Mh.L.J. 136}*
- (iii) *Anurag V/s. Scheduled Tribe Caste Certificate Scrutiny Committee, Through its Vice Chairman/Joint Commissioner {2024 SCC OnLine Bom 1880}*
- (iv) *Ku. Chhaya d/o Jasvantsingh Hajari V/s. The Committee for Scrutiny and Verification of Tribe Claims, Amravati and anr. {Judgment of this Court in W.P. No. 4198/2005 with other connected matters}*
- (v) *Apoorva d/o. Vinay Nichale V/s. Divisional Caste Certificate Scrutiny Committee No. 1 and ors. {2010(6) Mh.L.J. 401}*
- (vi) *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti V/s. State of Maharashtra and ors. {2023(2) Mh.L.J. 785}*

11. On the contrary, the respondent-Scrutiny Committee submitted that, after a detailed inquiry, the respondent invalidated the petitioners' claim to the 'Thakur' Scheduled Tribe. In investigation, it is found that, the petitioners' family was consistently recorded as "Bhat" or "Patel" and held a high socio-economic status, which is inconsistent with tribal characteristics.

12. The Scrutiny Committee further alleges that, the petitioners suppressed crucial facts, including non-tribal relatives and sale deeds for non-tribal lands. These documents, along with a previous Court order and police

records, confirmed the family's non-tribal identity.

13. Finally, the respondent contends that, the petitioners failed to address the adverse vigilance report and that validity certificates of other relatives are not applicable due to similar suppression of facts. The Scrutiny Committee's order to invalidate their claims was therefore proper and legally sound.

14. Heard both the parties at length. Perused the record and documents placed on record, and considered the citations relied on by the parties.

15. In all, there are 12 validity certificates issued to the relatives of the petitioners showing their Tribe as 'Thakur'. The petitioners also placed on record the judgments in other Writ Petitions, in which, the relatives of the petitioners declared as 'Thakur' Scheduled Tribe. The petitioners relied on judgment in the case of *Apoorva d/o. Vinay Nichale* (supra), wherein this Court in para 7 and 9 held as under:-

“7. We thus come to the conclusion that when during the course of enquiry the candidate submits a caste validity certificate granted earlier certifying that a blood relation of the candidate belongs to the same caste as that claimed by the applicant, the committee may grant such certificate without calling for Vigilance Cell Report. However, if the committee finds that the earlier caste certificate is tainted by fraud or is granted without jurisdiction, the Committee may refuse to follow and may refuse to grant certificate to the applicant before it.”

“9. In the present case, we find that the committee has disbelieved the petitioner's case that she belongs to Kanjar Bhat after calling the school leaving certificate of petitioner's father and noticing that the original caste written on it was 'Thakur' and that was subsequently changed to Kanjar Bhat. The committee observed that the caste has been changed without complying with the procedure prescribed by Section 48(e) and 132(3) of Mumbai Primary Education Act. In fact, the caste has been changed on the basis of the affidavit. From the findings of the committee it appears that the committee has observed that the change of caste has been done illegally. Obviously, the committee which decided the caste claim of the petitioner's sister did not hold the same view, otherwise it would have refused to grant validity. In the circumstances, we are of the view that the committee which has expressed a doubt about the validity of caste claim of the petitioner and has described it as a mistake in its order, ought not to have arrived at a different conclusion. The matters pertaining to validity of caste have a great impact on the candidate as well as on the future generations in many matters varying from marriage to education and enjoyment, and therefore where a committee has given a finding about the validity of the caste of a candidate another committee ought not to refuse the same status to a blood relative who applies. A merely different view on the same facts would not entitle the committee dealing with the subsequent caste claim to reject it. There is, however, no doubt as observed by us earlier that if a committee is of the view that the earlier certificate is obtained by fraud it would not be

bound to follow the earlier caste validity certificate and is entitled to refuse the caste claim and also in addition initiate proceedings for cancellation of the earlier order. In this view of the matter, we are of the view that the petition must succeed. Rule is made absolute in above terms. The Caste Scrutiny Committee is directed to furnish the caste validity certificate to the petitioner."

16. This Court in the matter of **Saurabh and Advait** (supra) rightly observed that, "*the impugned order contends that the validity certificate to Dhanvijay was granted at the instance of some orders passed by this Court. The Committee tried to distinguish the ratio upon which the earlier validity was granted. In fact the said exercise was uncalled for since there is no case of obtaining validity by practicing fraud or misrepresentation. The approach of the Committee of giving second class treatment to the validity certificates issued at the instance of Court, is unapprovable. Therefore, the earlier validities in the family cannot be brushed aside on any count which necessitates to weigh the same in petitioners favour.*"

17. The Scrutiny Committee passed a voluminous order running into nearly 200 pages. However, the real documents having more probative value, were not discussed

at all. The petitioners have produced several documents from the pre-independence era right from the year 1917. There are two documents of the year 1917. One pertains to Kashinath Madhavrao Thakur and another pertains to Narayan Ramji Thakur. The document in respect of Kashinath Madhavrao is discarded only on the ground that, it is suspicious. However, there is no any comment on the document in respect of Narayan Ramji Thakur of the year 1917.

18. After perusal of record and proceedings, it appears that, the petitioners raised objection with the entries collected by the Vigilance Cell, which are not at all related with the blood relatives. For example, we have pointed out that, if Purushottam Wardekar is shown as 'Thakur', how his son can be of 'Bhat Kanzar'. We have also seen the documents, on which, the Scrutiny Committee has relied on. The Scrutiny Committee discarded those documents having great probative value. If the old documents prior to 1950 are seen, there are documents of the years 1917, 1935, 1938, 1939, 1941 and 1947. All the blood relatives shown in these

documents, admittedly are appearing in the genealogy. Their tribe is shown as 'Thakur'. Moreover, there are 12 validity certificates issued in favour of the blood relatives placed on record. Those validities are issued in view of three orders of this Court. In spite of this factual position, the Scrutiny Committee bent upon to discard the claims of the petitioners on the ground that, the persons whose documents have been collected, showing their caste as 'Kanzar Bhat', are deliberately not mentioned in the genealogy.

19. As pointed out by the petitioners that, the document pertains to Purushottam Kashirao is procured by the Vigilance Cell and in that document, his tribe is shown as 'Thakur' which document pertains to dated 01/03/1935. Therefore, his son cannot be 'Bhat Kanzar' at any rate. So far as the entry in Kotwal Book in respect of birth of son namely Murlidhar to Janardan Yadavrao Thakur, is showing tribe as 'Thakur' and the date is shown as 26/02/1945. This entry was discarded only on the ground that, there is no name by Murlidhar appearing in the genealogy. However, the Scrutiny

Committee conveniently has not considered the document in respect of Janardan Yadavrao Thakur who gave birth to a daughter namely Sulochana on 05/08/1947 and another entry of daughter namely Kamla to Janardan Yadavrao Thakur on 18/11/1949. It is a prevalent practice that, the child is named in a naming ceremony after 12 days. These all entries of the years 1945, 1947 & 1949 are showing the tribe as 'Thakur' of Janardan Yadavrao.

20. It is very surprising that, the Vigilance Cell collected the document of 1946 in respect of Narayan Ramji Thakur dated 19/04/1946, wherein the ancestor of the petitioners shown as 'Thakur.' It has to be considered from the place of residence as well as the father's name and other details. The entry at Sr. No. 33 at page 103 is showing caste as 'Bhat' in 1969, is having no relevance, as the father of Nandkishor namely Purushottam is shown as 'Thakur' in the document of School record dated 01/03/1935. This fact is not considered at all by the Scrutiny Committee and it appears that, the documents pertain to Govind Manikrao Jawanjali,

which are of the years 1978 and 1991 are taken into account. It is very surprising that, Govind Manikrao is shown as grandson of sister of cousin great grandfather in the documents of the years 1978 and 1991. Therefore, the entry of grandson of sister of cousin great grandfather cannot be considered as those documents are of 1978 and 1991 and not in direct relation with the petitioners.

21. The entry at Sr. No. 37 at page 103 is in respect of Sahadeo Vasudeo Pise showing his caste as 'Bhat'. It is described that, the said Sahadeo Vasudeo Pise is real brother of son-in-law of cousin grandfather. Similarly, there are many entries which are not related at all to the petitioners. Even Kamal Mahadeorao is described as cousin aunt of son-in-law of cousin grandfather. It is randomly written by the Scrutiny Committee while relying on the documents showing 'Kanzarban Bhat' or 'Kanzar Bhat'. For example, the Vigilance Cell recorded the statement of Sahadeo Vasudeorao Pise. From his statement, it is apparently clear that, he is a resident of Chandur Bazar, his grandfather's name is

Sheshrao Yadavrao Pise. If the family tree placed by the petitioners is perused, there is no name by Sheshrao. The family tree given by said Sahadeo, is not at all matching with the family tree given by the petitioners. Without verifying this facts, the Scrutiny Committee jumped to the conclusion that, the relatives of the petitioners belong to 'Bhat/Kanzar Bhat'. Similarly, the statement of Chandrashekhar Ramdas Pawar also shows that, he has no connection with the family of the petitioners. The Scrutiny Committee has not discussed the documents prior to 1950, which was produced by the petitioners that, the tribe of their forefather is 'Thakur'.

22. Moreover, this Court has already directed to issue validity certificates to the three relatives of the petitioners. The respondent/Scrutiny Committee considered the documents of the persons not related to the petitioners. The Scrutiny Committee also placed reliance on the Sale-Deeds wherein the persons executing it submitted that, they do not belong to the Scheduled Tribe, however, this fact is not taken into account that, there is no other caste/tribe mentioned in

the said Sale-Deeds. Secondly, even if there are some of the relatives of the petitioners, the Sale-Deeds cannot be the proof of the caste/tribe, as the documents prior to 1950 are already placed on record by the petitioners showing their forefathers' tribe as 'Thakur'. It is a common knowledge that, such Sale-Deeds used to get executed by mentioning that, they do not belong to Scheduled Tribe only to avoid permission from the Collector's office to sell the property. However, the old documents prior to 1950 are showing the tribe as 'Thakur'.

23. The learned counsel for the petitioners placed reliance on *Ku. Prachita Dhanraj Gharat and anr.* (supra) in support of his contention that, the old documents in respect of the ancestor of the petitioners prior to cut-off date which were placed on record, were erroneously discarded by the Scrutiny Committee. The pre-constitutional documents or documents prior to cut-off date have more probative value than the subsequent documents.

24. The learned counsel for the petitioners also placed

reliance on ***Rushikesh Madhukar Chavan*** (supra), wherein this Court held as under:-

“14. In the instant case, the Committee has not relied upon the decisions in these writ petitions on the ground of suppression of the fact that caste claim of Vijay was rejected and the challenge to the said order was dismissed in Writ Petition No. 447 of 2002. It is true that in subsequent petitions, there is no reference to rejection of caste claim of Vijay or dismissal of the Writ Petition No. 447 of 2002. In our view, suppression of these facts would be material only if the caste claim of Vijay and of the Petitioners in Writ Petition Nos. 5104 of 2019, 2131 of 2018 and 5105 of 2019 was based on the same documents. The impugned order does not indicate that the caste claim of the Petitioners in the aforesaid writ petitions was based on the very same documents relied upon by Vijay, which were considered and rejected by the Committee. By judgment dated 01.08.2018, the Division Bench of this Court had dismissed a group of petitions including the Writ Petition No. 447 of 2002. The judgment does not mention the documents or the other material relied by said Vijay in support of the caste claim. In fact, a perusal of the said judgment reveals that this Court had not adjudicated the caste claim of Vijay independently and had not recorded reasons for invalidating his claim. Moreover, it is on record that the decision of this Court in the case of Vijay Chavhan in Writ Petition No. 447 of 2002 is challenged before the Hon’ble Supreme Court and the Apex Court has continued the interim relief granted by this Court in favour of the Petitioner-Vijay Chavhan. Furthermore, the caste certificates issued in favour of the blood relatives of the Petitioners have not been cancelled on the ground of fraud. In the absence of proof of fraud or suppression of material facts, the

Committee was not justified in discarding the previous judgments or in rejecting the caste claim of the Petitioners only because the claim of their paternal uncle Vijay was discarded."

25. The learned counsel for the petitioners also placed reliance on *Anurag* (supra), in support of his contention that, while deciding a bunch of petitions, without considering the pre-constitutional documents, the caste validity certificate of the relative is declined, and therefore, it cannot be considered to decide the claim of the petitioners.

26. The learned counsel for the petitioners further placed reliance on the judgment in the case of *Ku. Chhaya d/o Jasvantsingh Hajari* (supra), wherein, the question involved was - When the pre-constitutional documents record the caste as 'Thakur' and those documents are genuine, whether the recourse to affinity test is open ? The answer to this, would be that depending on affinity, is not essential nor suitable because historical and documentary evidence are more reliable than affinity tests.

27. The learned counsel for the petitioners also placed

reliance on *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti* (supra), wherein the Hon'ble Apex Court concluded as under:-

"36. Thus, to conclude, we hold that:

(a) Only when the Scrutiny Committee after holding an enquiry is not satisfied with the material produced by the applicant, the case can be referred to Vigilance Cell. While referring the case to Vigilance Cell, the Scrutiny Committee must record brief reasons for coming to the conclusion that it is not satisfied with the material produced by the applicant. Only after a case is referred to the Vigilance Cell for making enquiry, an occasion for the conduct of affinity test will arise.

(b) For the reasons which we have recorded, affinity test cannot be conclusive either way. When an affinity test is conducted by the Vigilance Cell, the result of the test along with all other material on record having probative value will have to be taken into consideration by the Scrutiny Committee for deciding the caste validity claim; and

(c) In short, affinity test is not a litmus test to decide a caste claim and is not an essential part in the process of the determination of correctness of a caste or tribe claim in every case."

28. Therefore, the impugned order running into nearly 200 pages has not considered the relevant material and discussed all irrelevant material i.e. the person whose claim of validity is rejected as the documents of the person are not even in relation with the petitioners. So far as the contention

of the respondent that, it is suppressed by the petitioners that, the petition of one Aditya Anil Wardekar bearing No. 2918/2004 was dismissed by this Court on 01/08/2018. However, the petitioners placed on record the reply of learned AGP (page 282), wherein this fact of dismissal was placed by the Scrutiny Committee on record. In spite of this, this Court granted validity by its **order dated 15/01/2019** to **Advait Wardekar** as well as **Saurabh Wardekar**. In view of this, there is no substance in the contention of the respondent/Scrutiny Committee that, there was any suppression of the fact. As such, the Scrutiny Committee has not applied its mind and has passed an erroneous order, which is not sustainable in the eyes of law and is liable to be set aside. Accordingly, we proceed to pass the following order:-

ORDER

- 1) The Writ Petition is **allowed**.
- 2) The common impugned order dated 20/06/2024 passed by the respondent - Scheduled Tribe

Certificate Scrutiny Committee, Yavatmal in the matter of the petitioners - (1) **Shreyas Sharad Wardekar** and (2) **Shraddha Sharad Wardekar** in Case Nos. 11/502/Edu/112022/3237 and 11/502/Edu/ 112022/3825, is hereby quashed and set aside.

3) It is declared that the petitioners have duly established that, they belong to 'Thakur' Scheduled Tribe, which is entry No. 44 in the Constitution (Scheduled Tribes) Order, 1950.

4) The respondent - Scheduled Tribe Certificate Scrutiny Committee, Yavatmal to issue validity certificates of 'Thakur' Scheduled Tribe to the petitioners within a period of four weeks.

5) The Writ Petition stand **disposed of**.

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

(PRAVIN S. PATIL, J.)

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

B.T.Khapekar