



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3912/2025

1. Rohit s/o Sunil Dhakate,
Aged about 18 years, Occu.-
Student, R/o at Post Nathnagar,
Tq. Umarkhed, Dist. Yavatmal.
2. Rupal d/o Sunil Dhakate,
Aged about 20 years, Occ.
Student, R/o at Post Nathnagar,
Tq. Umarkhed, Distt. Yavatmal.

... PETITIONERS

...VERSUS...

1. The Scheduled Tribe Caste
Certificate Scrutiny Committee,
through its Member Secretary,
and Deputy Director, Yavatmal.
2. The State Common Entrance Test
Cell, through Commissioner,
8th Floor, New Excelsior Building,
A.K. Nayak Marg, Fort, Mumbai-
400001.

(added as per Court order's dated 14.08.2025.)

...RESPONDENTS

Shri Ashwin Deshpande, Advocate for petitioners
Ms T.H. Khan, AGP for respondent No.1/State
Shri N.A. Gaikwad, Advocate for respondent No.2

CORAM : ANIL S. KILOR AND AJIT B. KADETHANKAR, JJ..
DATED : 22.08.2025

ORAL JUDGMENT (ANIL S. KILOR J.)

. Rule. Rule made returnable forthwith. Heard learned Counsel for the respective parties.

2. The petitioners are real brother and sister and they are claiming that they belong to the caste 'Halbi' Scheduled Tribe. The challenge raised in this writ petition is to the invalidation of the caste claim vide common order dated 30.05.2024.

3. Having gone through the record, it is evident that Anil Dhakate is the real uncle of the petitioners and there is no dispute about the relation. There is no dispute about this fact that Anil Dhakate was granted validity as 'Halbi' Scheduled Tribe, in compliance with the judgment of this Court dated 04.07.2019. In Writ Petition No.5400/2004, Anil Madhavrao Dhakate Vs. State of Maharashtra and others, this Court while considering the claim of the real uncle of the petitioner Anil Dhakate has relied upon the pre-independence document and recorded the following finding:

“2. We have gone through the impugned order. The impugned order rejects four pre-constitutional documents, all of them relate to birth registration in respect of three male children and one female child born to one Balaji Santoba. The first child was a male child who has been shown to be born on 02/07/1940. The second child was also a male and has been shown to be born on 07/01/1943. the third offspring was a female child, who has been shown to be born on 29/09/1945. The forth pre-constitutional document is in the name of Narayan Santoba and it is the birth registration of male child born on 05/07/1945. In all these four documents, admittedly, the caste shown is ‘Halbi’. The relationship of Balaji Santoba and Narayan Santoba that of grandfather and cousin grandfather from the paternal side of the petitioner, was never in dispute. The Scrutiny Committee, however, rejected these documents only on the ground that there was no mention of the words “Scheduled Tribe” or the work “Tribe” in these four documents.”

4. From the above referred observation of this Court, it is evident that this Court has relied upon four entries of pre-independence that the entries dated 02.07.1940, 07.01.1943, 29.09.1945 and 05.07.1945.

5. The same entries were relied upon by the petitioners to support the caste claim. However, all four entries were discarded by the Committee on the ground that no document is produced to establish the relations of the petitioners with the persons relating to whom such entries are. It is surprising to note that in the case of Anil Dhakare before this Court, the relations were not disputed with the persons to whom the above referred entries are. If the petitioners are related with Anil Dhakate, the Scrutiny Committee cannot be allowed to take contrary stand and dispute the relations of the petitioners with those persons.

6. In the circumstances, the Committee has committed error and discarded four entries which are having higher evidenciary value because of pre-independence period entries. The another ground is that during the vigilance sell, the entry relating to Narayan vald Santoba i.e. cousin great-grandfather of the petitioners was found having caste recorded as 'Marathi'. This ground is not sufficient to invalidate the caste claim. In the case of *Vilas Dinkar Bhat Vs. State of Maharashtra and others reported in 2021 (2) Mh.L.J. 385*, this Court has observed that the caste

recorded as 'Marathi' is not a caste but a language and, therefore, the document or the entries showing the caste as 'Marathi' cannot be considered as adverse to the petitioners' claim.

7. In the above referred backdrop and on both the counts, the impugned order invalidating caste claim of the petitioners do not sustain in the eyes of law. Furthermore, considering the four entries of pre-independence period, which supports the caste claim of the petitioners, the validity of the real uncle of the petitioners is in favour of the petitioners and, therefore, we are of the opinion that the Writ petition needs to be allowed and the Caste Scrutiny Committee be directed to issue validity certificate to the petitioners as 'Halbi' Scheduled Tribe. Accordingly, we pass the following order:

ORDER

- i) The Writ Petition is allowed.
- ii) The order of invalidation dated 30.05.2024 is hereby quashed and set aside.
- iii) The respondent-Caste Scrutiny Committee is directed to issue validity certificate to the petitioners at the earliest and in any case, within 15 days from the date of the order.

iv) In view of the order, the respondent No.2 shall not cancel the admission of the petitioners in view of the observations made herein above.

8. Writ Petition is disposed of in above terms.

9. Copy of the order duly authenticated by Personal Assistant, be given to the parties to act upon.

(AJIT B. KADETHANKAR, J.)

(ANIL S. KILOR, J.)

R.S. Sahare