



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4607 OF 2024

Ankita Mahendra Pawar
Aged 22 years, Occ. Student
Residing at 610, Shanti Niketan
(SRA), near Pawar Public School,
Mahavir Nagar, Kandivali (West)
Mumbai – 400 067.

... Petitioner

Versus

1. State of Maharashtra
through its Secretary, Tribal
Development Department,
Mantralaya, Mumbai-400 032.
2. Scheduled Tribe Certificate
Scrutiny Committee,
Konkan Division, Thane through
its Member Secretary having its
office at MTNL Build., 6th Floor,
near Ganesh Talkies, Charai,
Dist. Thane

.... Respondents

Adv. R. K. Mendadkar a/w Adv. Jagdish Kawale, Adv. Prajakta
Pashte, for the Petitioner.

Ms. Kavita N. Solunke, Addl.G.P a/w Smt. P. J. Gavhane, AGP, for
the Respondent-State.

Mr. Dipak T. Shigam, Law Officer CVC Thane, present in the Court.

**CORAM : M. S. KARNIK &
S. M. MODAK, JJ.**

DATE : 25th FEBRUARY, 2026

ORAL JUDGMENT (PER M. S. KARNIK, J.) :

1. Heard learned counsel for the parties.
2. The caste claim of the petitioner as belonging to 'Thakur, Scheduled Tribe' is invalidated by the respondent No.2-Scrutiny Committee. The petitioner's father was issued the certificate of validity by the respondent No.2-Scrutiny Committee on 31st May 2004. Even the petitioner's real sister has been granted the certificate of validity by the respondent No.2-Scrutiny Committee on 10th October 2012. The said certificates of validity were granted by the Scrutiny Committee after a Vigilance Cell enquiry. The Scrutiny Committee discarded the aforesaid certificates of validity on the ground that the petitioner has not been able to establish his caste claim on the basis of the independent materials and that the petitioner has not proved the affinity test. It is by now well settled that the affinity test is not a litmus test and it is one of the factors to be considered while determining the claim.
3. The validity certificates of the father and the real sister of the petitioner are genuine documents. The relationship between them is not disputed. Further, the validity certificates were issued after following the due procedure. Thus, in the light of the law laid

down by the Hon'ble Supreme Court in **Maharashtra Adiwas**
Thakur Jamat Swarakshan Samiti vs. State of Maharashtra and
Others¹ and this Court in **Apoorva d/o Vinay Nichale vs. Divisional**
Caste Certificate Scrutiny Committee No.1 and others² even the
petitioner, being a close blood relative of the certificate of validity
holders, is entitled to have his caste claim validated.

4. Learned AGP submitted that show cause notices have
been issued to the father and real sister of the petitioner in respect
of the validity certificates issued to them. The show cause notices
obviously shall be taken to their logical conclusion on their own
merits and in accordance with law. However, so long as the validity
certificates of the close blood relatives are subsisting, there is no
reason to deprive the petitioner of the benefits of the caste claim.

5. The impugned order is quashed and set aside. The Writ
Petition is allowed.

6. The Scrutiny Committee is directed to issue a certificate
of validity to the petitioner as belonging to 'Thakur, Scheduled
Tribe' within a period of six weeks from the date of communication
of this order.

1 (2023) 16 SCC 415

2 2010(6) Mh.L.J. 401

7. The certificate of validity issued to the petitioner is made subject to the outcome of the show cause notices and the same consequences as in the case of the petitioner's close blood relatives shall follow.

8. The Writ Petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)