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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 7690 OF 2024**

Chetan Methrana Shinde ... Petitioner
V/s.
State of Maharashtra and anr. ... Respondents

Mr. Rahul Kadam a/w Mr. Vedant Babar, for the Petitioner.
Ms. Kavita N. Solunke, Addl. GP a/w Ms. Rupali M. Shinde, AGP, for the
Respondent-State.

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

DATE : 16th JANUARY 2026

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

1. Heard learned counsel for the Petitioner and learned AGP appearing for the Respondent – State.
2. The caste claim of the Petitioner as belonging to ‘Phase-Pardhi, Scheduled Tribe’ has been invalidated by the Respondent No.2- Scheduled Tribe Certificate Scrutiny Committee, Pune, (‘The Committee’, for short). We have perused the impugned order. Learned AGP while arguing in support of the order has submitted that the Committee has for valid reasons invalidated the caste claim of the Petitioner. It is submitted that the Petitioner has not been able to produce any pre-constitutional documents on record in support of his tribe claim and moreover, the certificate of

validity of his cousin -Shubhada Mansoor Shinde which is at page 34 of the paper-book relied upon has been discarded as the Petitioner has not been able to place on record any revenue entries to prove such relationship.

3. We have heard learned counsel for the Petitioner and learned AGP. On record is the certificate of validity which has been issued to cousin of the Petitioner on 27/3/2019 as belonging to 'Phase-Pardhi, Scheduled Tribe'. An affidavit has been filed by the Petitioner showing the genealogy which is at page 36 of the paper-book indicating the Petitioner's relationship with the said Shubhada. The Committee has discarded the said validity certificate only because the Petitioner has failed to produce any revenue record establishing such relationship. In our opinion, considering that the Petitioner claims to belong to Phase-Pardhi, Scheduled Tribe, merely because revenue records are not produced, cannot be a ground to discard the validity certificate relied upon by the Petitioner in support of his claim. The Petitioner had therefore filed an affidavit of Mansoor Shinde who is Shubhada's father in whose favour the certificate of validity indicating as belonging to Phase Pardhi, Scheduled Tribe was granted. The Committee ought to independently arrive at a finding as to why the affidavit filed by Mansoor Shinde indicating the Petitioner's relationship with Shubhada cannot be relied upon.

4. It is further seen that there are document on record of the Petitioner's father at page 29 of the paper-book which indicates date of

birth of the Petitioners father as 01/06/1947 and in School Leaving Certificate, the caste is mentioned as Hindu Raj Phase-Pardhi. Undoubtedly, pre-constitutional documents have more probative value. However, merely because the document filed by the Petitioner is not a pre- constitutional document by itself cannot be a reason to invalidate the caste claim of the Petitioner.

5. We find that School Leaving Certificate of Petitioner's father indicates the date when he joined the School as 07/06/1962 and he left the School as 26/04/1968. The said document ought not to have discarded only because the same is not a pre-constitutional document. The Scrutiny Committee is expected to decide the caste claim on the basis of the documents produced and its probative value. Undoubtedly, the pre-constitutional documents have a higher probative value in support of the caste claim.

6. In this view of the matter, the Writ Petition is allowed. The impugned order is therefore quashed and set aside.

7. The matter is remitted to the Respondent No.2- Scheduled Tribe Certificate Scrutiny Committee, Pune Division, for considering the claim of the Petitioner afresh on its own merits and in accordance of law.

8. The Petitioner to appear before the Committee on 29/01/2026 at 11:00 a.m. It is open for the Petitioner to produce additional documents/additional affidavit in support of his caste claim.

9. The Committee to decide the caste claim of the Petitioner as expeditiously as possible and preferably within a period of 6 months from the date of communication of this order.

10. The Writ Petition is disposed of.

(S.M.MODAK, J.)

(M.S. KARNIK, J.)