

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

WRIT PETITION NO.70 OF 2026

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Pankaj Pandit Khairnar,

Age : 30 Years, Occupation : Social Work,

Residing at : Chinchakhed Road,

Nandanvan Lans, Near Santoshimata

House, Pimpalgaon, Baswant,

Taluka : Niphad, District : Nashik,

Nashik : 422 209.

...Petitioner

Versus

1. State of Maharashtra

Through its Secretary, Tribal
Development Department,
Mantralaya, Mumbai : 400 032.

**2. Scheduled Tribe Certificate Scrutiny
Committee, Nashik Division, Nashik,**

Through its Member-Secretary,
Having its Office at Doctor House,
Near CBC, District : Nashik, Nashik.

...Respondents

Mr.R.K.Mendadkar a/w Ms.Jayshri Mendadkar and Ms.Prajakta
Pashte, Advocates for Petitioner.

Mr.N.C.Walimbe, Addl.G.P. a/w Mr.A.K.Naik, AGP, for the
Respondents–State.

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

DATE : 16th JANUARY 2026

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

1. Heard Mr.Mendadkar, the learned counsel appearing for the

Petitioner and Mr.Walimbe, the learned Addl.G.P. for the Respondents-State.

2. The caste claim of the Petitioner as belonging to the “*Koli Mahadev*” Scheduled Tribe has been invalidated by the impugned order dated 22nd February 2018 passed by the Respondent No.2–Scheduled Tribe Certificate Scrutiny Committee, Nashik Division, Nashik.

3. The learned Addl.G.P. invited our attention to the impugned order. It is submitted that the Committee has, for cogent reasons, discarded the “*Certificate of Validity*” which does not call for interference by this Court in Writ jurisdiction.

4. The Petitioner relied upon the “*Certificate of Validity*” which was issued by the Respondent No.2–Committee in favour of the Petitioner’s father–Pandit Nana Khairnar, dated 19th December 2005. There is no dispute that such a “*Certificate of Validity*” is a genuine document. Further, we notice from the findings of the Scrutiny Committee that the said “*Certificate of Validity*” of the Petitioner’s father was issued after Police Vigilance Inquiry.

5. The genealogy placed by the Petitioner before the Committee indicates that the Petitioner is the son of Pandit Nana Khairnar

who has been issued with the “*Certificate of Validity*”. There is no dispute that the Petitioner is the son of Pandit Nana Khairnar.

6. The only reason why the Scrutiny Committee has discarded the “*Certificate of Validity*” is that the names of the relatives which were shown in the genealogy produced by Pandit Nana Khairnar is different from the genealogy which is produced by the Petitioner before the Scrutiny Committee. In our opinion, such an approach of the Scrutiny Committee is erroneous. There is no dispute that the Petitioner is the son of Pandit Nana Khairnar who has been issued with the “*Certificate of Validity*”. Further, when there is no dispute that such a Certificate is genuine document which has been granted after following the due procedure and after obtaining the Vigilance Cell Report and that the Petitioner is the close blood relative of Pandit Nana Khairnar, the invalidation of the caste claim for the reason mentioned by the Committee is erroneous.

7. This Court in *Apoorva d/o Vinay Nichale V/s. Divisional Caste Certificate Scrutiny Committee No.1 and others*¹ in paragraph No.4, has held thus:-

“4. We have considered the matter and we are of the view that the petitioner’s caste claim that she belongs to Kanjar

¹ 2010(6) Mh.L.J. 401

Bhat-Nomadic Tribe ought to have been accepted by the Committee merely on the basis that identical caste claim of her sister that she belongs to Kanjar Bhat has been allowed by the Committee, even apart from the Government Resolution. We are of the opinion that the guidelines provided by the said Govt. Resolution are sound and based on sound principles. It would indeed be chaotic otherwise. If the relationship by blood is established or not doubted, and one such relative has been confirmed as belonging to a particular caste, there is no reason why public time or money should be spent in the committee testing the same evidence and making the same conclusion unless of course the Committee finds on the evidence that the validity of the certificate of such relation has been obtained by fraud.”

8. Moreover, the Hon’ble Supreme Court in the decision of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti V/s. State of Maharashtra and Others***² held that 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.

Thus, in *Maharashtra Adiwasi* (supra), the following three essential prerequisites for granting caste validity certificates were outlined by Their Lordships at the paragraph 24 of the judgment quoted above:

- (i) The applicant must establish a clear and specific relationship with the person in whose favour the validity certificate has

² (2023) 16 Supreme Court Cases 415

been issued;

- (ii) The Scrutiny Committee must verify whether the validity certificate was granted to the applicant's blood relative after due enquiry and in accordance with prescribed procedure; and
- (iii) The Scrutiny Committee must ascertain the genuineness of the validity certificate relied upon.

9. Taking support from the aforesaid decisions, we hold that as the Petitioner's father has been granted "*Certificate of Validity*" which satisfies the test laid down in the aforesaid decisions, even the Petitioner is entitled to have his caste claim validated. The impugned order of the Scrutiny Committee, is therefore, set aside. The Scrutiny Committee is directed to issue "*Certificate of Validity*" to the Petitioner as belonging to "*Koli Mahadev*" Scheduled Tribe within a period of six (6) weeks from the date of communication of the order.

10. With these observations, Writ Petition stands disposed of.

11. Pending Applications, if any, also disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)