



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

WRIT PETITION NO. 6580 OF 2024

Sahil S/o Pravin Dharmik,

Aged about 19 years, Occ. Student,

R/o at Post Kurali, Tq. Umarkhed,

Dist. Yavatmal.

.... **PETITIONER**

// VERSUS //

- 1) **The Scheduled Tribe Caste
Certificate Scrutiny Committee,**
Through its Member - Secretary
Yavatmal, Tq. and Distt. Yavatmal.

- 2) **The Principal,**
Rajashri Shahu College of Pharmacy
& Research, Tathawade, Pune.

.... **RESPONDENTS**

Mr. Ashwin Deshpande, Advocate for Petitioner.
Ms. H. N. Jaipurkar, Assistant Government Pleader for
Respondent No.1.

**CORAM : MRS. M. S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.**

DATE ON RESERVING THE JUDGMENT : 17.02.2026

DATE ON PRONOUNCING THE JUDGMENT : 11.03.2026

JUDGMENT : (Per – M. S. JAWALKAR, J.)

1. Heard. **Rule.** Rule is made returnable forthwith.

Matter is taken up for final hearing at the stage of admission by
consent of the parties and at the request of parties.

2. The Petitioner, by this petition, is challenging the order dated 04/01/2024 passed by the Respondent Caste Scrutiny Committee, Yavatmal, thereby invalidating the caste claim of the Petitioner to the 'Halbi' Scheduled Tribe which is enlisted at Sr. No. 19 of the Scheduled Tribe Order, 1950.

3. The Petitioner is a student of B.Pharmacy Course in Respondent No. 2 College and he obtained the Caste Certificate belonging to 'Halbi' Schedule Tribe from the Sub-Divisional Officer on 15/05/2023. The Petitioner forwarded the Caste claim to the Respondent Committee vide letter dated 29.03.2023. For expeditious disposal of his caste claim, the Petitioner has also filed a Writ Petition No. 5104 of 2023 before this Court, wherein this Court directed the Respondent Committee to decide the caste claim of the Petitioner within 6 weeks.

4. In support of his tribe claim, the Petitioner has submitted certain documents. The following documents are pertaining to pre-constitutional period:

Sr. No.	Description of Document	Caste	Date
1	Birth Extract of a female child born to Gangaram Ramji (Great Grandfather of Petitioner)	Halbi	02/04/1928
2	Birth Record of a male child namely Balkrushna born to Gangaram Ramji (Great Grandfather of Petitioner)	Halbi	06/01/1947

5. That, the Police Vigilance Cell conducted inquiry and submitted its report to the Respondent Caste Scrutiny Committee on 20/10/2023. The Petitioner submitted his written submission/reply to the vigilance report on 06/11/2023. That, after consideration, the Respondent No. 1 Committee invalidated the caste claim of the Petitioner vide its order dated 04/01/2024.

6. Apart from the pre-constitutional documents, the Petitioner has also submitted Validity Certificate obtained by the cousin brother of the Petitioner namely Nikhil S/o Ganesh Dharmik, which was granted by this Court vide order dated 18/07/2019 in *Writ Petition No. 5005 of 2019 (Nikhil S/o Ganesh Dharmik Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee & Others)*. It is the contention of the

Petitioner that on the basis of this Validity Certificate alone, the Petitioner is eligible for getting the Validity Certificate from this Court.

7. The learned Counsel for Petitioner relied upon the Judgment of this Court in ***Writ Petition No. 1527/2021 (Mandakini D/o Ramkrushna Dharmik Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee and Another)*** dated 14.11.2025. Mandakini is cousin aunt of the Petitioner.

8. *Per Contra*, the Respondent Caste Scrutiny Committee has relied on copies of Sale Deeds procured by Vigilance Cell executed by Balkrushna Gangaram Dharmik (Great Grandfather of the Petitioner) dated 30.01.2019 and Ramkrushna Gangaram Dharmik (Cousin Grandfather of the Petitioner) dated 07.10.2005. Both these Sale Deeds contains a remark that the Seller does not belong to the Tribal Community.

9. The Respondent Committee has pointed out that the caste claim of the father of the Petitioner has been invalidated by the Respondent Committee, however by suppressing this

crucial fact, he further obtained a new caste certificate on 10/06/2015 and the same is submitted before the Respondent Committee in support of the tribe claim of the Petitioner.

10. It is further contended by the Respondent Committee that the alleged Sale Deeds procured by the Vigilance Cell contains a remark that the sellers of the alleged sale deeds do not belong to tribal community which indicates that the Petitioner does not belong to 'Halbi' Schedule Tribe. Another ground for invalidation of the caste claim of the Petitioner, as contended by the Respondent Committee, is that the Petitioner failed to satisfy the Affinity Test with regards to the 'Halbi' Scheduled Tribe.

11. Heard learned Counsel for the respective parties at length. Perused the record and proceedings with the assistance of the learned Assistant Government Pleader and considered the citations relied on by the learned Counsel for the Petitioner.

12. The learned Counsel for the Petitioner has relied on ***Writ Petition No. 1527/2021*** (Supra), wherein this Court

validated the caste claim of the Cousin Aunt of the present Petitioner namely Mandakini Ramkrushna Dharmik. So far as the caste claim of the father of the Petitioner is concerned, the Caste Scrutiny Committee invalidated the caste claim of Shri Pravin Dharmik (father of the Petitioner) by its order dated 10.02.2003 and the same order of invalidation is not challenged by the claimant before this Court. However, in case of Mandakini D/o Ramkrushna Dharmik, after her caste claim got invalidated, she has challenged the said order in ***Writ Petition No. 1527/2021*** (supra) and this Court validated her caste claim. It is not clear on what ground the caste certificate of father of the Petitioner was invalidated in earlier round of litigation. The said order of invalidation dated 10.02.2003 has not been filed on record. Therefore, in absence of the said order before this Court, it is difficult to comment on it.

13. Another reason for invalidation as stipulated by the Respondent Committee is regarding the contra-entries procured by the Vigilance Cell in its inquiry, however the contra-entries i.e., the sale deeds procured by the Vigilance Cell merely contain

remarks that the Seller of the said sale deeds does not belong to Schedule Tribe, which cannot be treated as conclusive. The said sale deeds do not specify a different tribe/caste other than 'Halbi', therefore the said sale deeds cannot be considered as contra-entries in the first place.

14. It is pertinent to mention here that, the rules regarding consequences of Sale pertaining to land belonging to Schedule Tribe is enumerated in the revenue code, which is a separate issue in itself and cannot be made a ground for invalidation of Tribe claim. It would be beneficial to refer the judgment of this Court in the matter of ***Shraddha Sharad Wardekar Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal***, dated 21/08/2025, wherein under Para 22, it is held as under:

"22....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'."

15. The Petitioner has further placed reliance in the matter of ***Civil Appeal No. 6340 of 2004 (Anand Vs Scrutiny Committee)*** dated 08.11.2011, wherein the Hon'ble Apex Court in Para 18 observed as under:

"18. It is manifest from the afore-extracted paragraph that the genuineness of a caste claim has to be considered not only on a thorough examination of the documents submitted in support of the claim but also on the affinity test, which would include the anthropological and ethnological traits etc., of the applicant. However, it is neither feasible nor desirable to lay down an absolute rule, which could be applied mechanically to examine a caste claim. Nevertheless, we feel that the following broad parameters could be kept in view while dealing with a caste claim:

(i) While dealing with documentary evidence, greater reliance may be placed on pre-Independence documents because they furnish a higher degree of probative value to the declaration of status of a caste, as compared to post-Independence documents. In case the applicant is the first generation ever to attend school, the availability of any documentary evidence becomes difficult, but that ipso facto does not call for the rejection of his claim. In fact, the mere fact that he is the first

generation ever to attend school, some benefit of doubt in favour of the applicant may be given. Needless to add that in the event of a doubt on the credibility of a document, its veracity has to be tested on the basis of oral evidence, for which an opportunity has to be afforded to the applicant;

(ii) While applying the affinity test, which focuses on the ethnological connections with the scheduled tribe, a cautious approach has to be adopted. A few decades ago, when the tribes were somewhat immune to the cultural development happening around them, the affinity test could serve as a determinative factor.

However, with the migrations, modernisation and contact with other communities, these communities tend to develop and adopt new traits which may not essentially match with the traditional characteristics of the tribe. Hence, affinity test may not be regarded as a litmus test for establishing the link of the applicant with a Scheduled Tribe. Nevertheless, the claim by an applicant that he is a part of a scheduled tribe and is entitled to the benefit extended to that tribe, cannot per se be disregarded on the ground that his present traits do not match his tribes' peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. Thus, the affinity test may be used to corroborate the documentary evidence and should not be the sole criteria to reject a claim."

16. The Petitioner has also placed reliance on ***Civil Appeal No. 2502 of 2022 (Mah. Adiwasi Thakur Jamat***

Swarakshan Samiti vs. State of Maharashtra & Others), wherein the Hon'ble Apex Court in Para 19 held as under:

“19. Sub-rule (2) of Rule 12 clearly provides that only if the Scrutiny Committee is not satisfied with the documentary evidence produced by the applicant, it shall forward the application to the Vigilance Cell for conducting the school, home and other enquiry. Therefore, in every case, as a matter of routine, the Scrutiny Committee cannot mechanically forward the application to Vigilance Cell for conducting an enquiry. When sub-rule (2) of Rule 12 contemplates that only if the Scrutiny Committee is not satisfied with the documents produced by the applicant that the case should be referred to Vigilance Cell, it follows that the Scrutiny Committee is required to pass an order recording brief reasons why it is not satisfied with the documents produced by the applicant. Before referring the case to the Vigilance Cell, application of mind to the material produced by the applicant is required and therefore, the application of mind must be reflected in the order sheets of the Scrutiny Committee.”

17. In view of this legal position, we are of the considered opinion that the ground of affinity test for invalidation, as stipulated by the Respondent Committee does not sustain. It is further pertinent to note here that, the Respondent Committee has not disputed the relationship of the

Petitioner and the Validity Holders in his family at any stage of the proceedings.

18. In view of the aforesaid adjudication and the consequential grant of Validity Certificates to the Petitioner's close blood relatives, the controversy raised in the present petition stands squarely covered by the earlier judgments of this Court. The issue involved is, therefore, no longer *res integra* and does not call for any fresh consideration. Hence, we proceed to pass the following order:

ORDER

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 04/01/2024, passed in case No. 11/510/Edu/032023/52264, passed by the Respondent – Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal is hereby quashed and set aside.
- (iii) It is declared that the Petitioner duly established that he belongs to “Halbi” Scheduled Tribe.
- (iv) The Respondent Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal is hereby directed to

issue the validity certificate of “**Halbi**” Scheduled Tribe to the Petitioner within a period of eight weeks.

19. Rule is made absolute in the above terms. No order as to costs. Pending application(s), if any, stand(s) disposed of.

(NANDESH S. DESHPANDE, J.)

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

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