



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

**WRIT PETITION NO. 5897 OF 2023  
WITH  
WRIT PETITION NO. 5901 OF 2023**

**WRIT PETITION NO. 5897 OF 2023**

Santosh Subhashrao Thakur (Wardekar)  
Aged about 62 years, Occ. Retired,  
R/o Bypass road Mangrulpir,  
Tah. Mangrulpir, District- Washim.

.... **PETITIONER**

**// VERSUS //**

The Scheduled Tribe Caste Certificate  
Scrutiny Committee, Yavatmal,  
Through its Member-Secretary.

.... **RESPONDENT**

**WITH**

**WRIT PETITION NO. 5901 OF 2023**

- 1) Sakshi Santosh Thakur (Wardekar),  
Aged about 22 years, Occ. Student,
- 2) Vinay Santosh Thakur (Wardekar),  
Aged about 25 years, Occ. Student,  
Both R/o. Bypass road Mangrulpir,  
Tah. Mangrulpir, District- Washim.

.... **PETITIONERS**

**// VERSUS //**

The Scheduled Tribe Caste Certificate  
Scrutiny Committee, Yavatmal,  
Through its Member-Secretary.

.... **RESPONDENT**

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Mr. M. V. Bute, Advocate for Petitioners in both petitions.  
Mr. N. R. Patil, Assistant Government Pleader for  
Respondent in both petitions.  
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**CORAM : MRS. M. S. JAWALKAR AND  
NANDESH S. DESHPANDE, JJ.**

**DATE ON RESERVING THE JUDGMENT : 05.01.2026  
DATE ON PRONOUNCING THE JUDGMENT : 09.01.2026**

**COMMON JUDGMENT : (Per – M. S. JAWALKAR, J.)**

1. Heard. **Rule.** Rule is made returnable forthwith. Matters are taken up for final hearing at the stage of admission by consent of the parties and at the request of parties.

2. The Petitioner in Writ Petition No.5897/2023 is the Father of the Petitioners in Writ Petition No.5901/2023, hence, both these petitions are decided by this common judgment and the Writ Petition No.5897/2023 is to be considered as lead petition.

3. The Petitioners by these petitions are challenging the orders dated 31.05.2023 and 03.07.2023 passed by the Respondent Caste Scrutiny Committee, Yavatmal, thereby invalidating the caste claims of the Petitioners to the 'Thakur'

Scheduled Tribe, which is enlisted at Sr. No. 44 of the Scheduled Tribe Order, 1950.

4. The Petitioner in W.P. No. 5897/2023 submitted his caste claim to the Respondent Committee on 16.02.2009 whereas the Petitioners in W.P. No. 5901/2023 submitted their caste claims to the Respondent Committee on 06.08.2021. The Respondent Committee conducted Police Vigilance inquiry and the Police Vigilance Cell submitted its report to the Respondent Committee on 14.03.2023 and 28.02.2023 respectively.

5. In support of their tribe claim, the Petitioners have submitted following documents of pre-constitutional period:

Sr. No.	Description of Document	Caste	Date
1	Copy of School Leaving Certificate of Father of Petitioner	Thakur	30.06.1943
2	Copy of School Leaving Certificate of Grandfather of Petitioner	Thakur	30.09.1917
3	Copy of School Leaving Certificate of Sanjiv Wardekar	Thakur	28.06.1938
4	School record of Suresh Wardekar, the cousin grandfather of the Petitioner	Thakur	01.07.1947
5	Copy of School Leaving Certificate of Pandit Kashinath Wardekar	Thakur	15.06.1939
6	School Leaving extract of grandfather Narayan Ramji	Thakur	03.09.1917

7	Dakhal Kharij Extract of Jagannath Madhaorao	Thakur	03.09.1917
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6. The Petitioners further submitted that, apart from the documents of pre-constitutional period, there are six validities issued to the relatives of the Petitioners i.e. uncle Dhananjay Sanjeev Wardekar, Janhvi Dhananjay Wardekar, Leeladhar Jagannath wardekar, Rajendra Panditrao Wardekar and Saurabh Rajendra Wardekar.

7. The Petitioners herein filed a Writ Petition No.6787/2022 seeking direction to the Caste Scrutiny Committee to decide the claim and accordingly, this Court has issued the direction to the Caste Scrutiny Committee.

8. It is worthwhile to note the submissions made by the Petitioners that the Respondent Committee has relied on adverse entries of “Bhat” procured in the Vigilance inquiry belonging to strangers and ignored the genuine documents submitted by the Petitioners. The Petitioners further submitted that one of the ground for rejection taken by the Respondent Committee is regarding the Affinity Test which has already been discarded by

the Hon'ble Apex Court by observing that the Affinity test is not a litmus test in *Maharashtra Adiwasi Thakur Jamat Saurakshan Samiti Vs. State of Maharashtra* [2023 SCC online SC 326].

9. The learned Counsel for Petitioners relied upon the Judgment of this Court passed in *Writ Petition No.7327/2024 (Shraddha Sharad Wardekar Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal)* along with one connected matter, decided on **21.08.2025**.

10. Per Contra, the Respondent Caste Scrutiny Committee contended that, in the investigation, it is found that, the Petitioners' family was consistently recorded as "Bhat" or "Kanzar Bhat" and held a high socio-economic status, which is inconsistent with tribal characteristics of the 'Thakur' Scheduled Tribe. The Respondent Committee further alleges that, the Petitioners suppressed crucial facts, including non-tribal relatives and sale deeds for non-tribal lands. These documents, along with a previous Court order and police records, confirmed the family's non-tribal identity.

11. The Respondent Committee further contends that, the Petitioners failed to address the adverse vigilance report and that validity certificates of other relatives are not applicable due to similar suppression of facts. The Scrutiny Committee's order to invalidate their claims was therefore proper and legally sound.

12. In its reply, the Respondent Caste Scrutiny Committee has relied on the following entries of "Bhat", which are adverse to the claim of the Petitioners belonging to pre-constitutional era:

Sr. No.	Document Type	Name	Relationship with the petitioner	Caste	Date
1	Kotwal Book Birth extract (Mauje Madhan)	A female child born to Narayan	Relative	Bhat	20.04.1918
2	Kotwal Book Birth extract (Mouja Madhan)	A male child born to Dhondya	Relative	Bhat	09.03.1921
2	Kotwal Book Birth extract (Mauje Madhan)	A male child born to Narayan	Relative	Bhat	14.04.1921

3	Kotwal Book Birth extract (Mauje Madhan)	A male child born to Narayan Wald Tukaram Bhat	Relative	Bhat	04.05.1912
4	Kotwal Book Birth extract (Mauje Madhan)	A female Child born to Shesharav	Cousin Uncle's Son-in-laws aunt	Bhat	30.05.1921
5	Kotwal Book Birth extract (Mauje Madhan)	A male Child born to Gulabrao vald Balkrushna	Relative	Bramha Bhat	20.10.1930
6	Kotwal Book Birth extract (Mauje Madhan)	A female Child born to Dhondya Wald Yadoji	Cousin Uncle Grandfather's Aunt	Bhat	01.07.1934
7	School Admission Register	Kamal Mahadeorao	Cousin Uncle Son-in-law's Aunt	Bhat	16.04.1942
8	School Admission Register	Kamal Mahadeorao	Cousin Uncle Son-in-law's Aunt	Bhat	04.10.1943
9	Kotwal Book Birth extract (Mauje Madhan)	A female Child Shanti born to Tulsiram	Cousin Uncle's son-in-laws aunt	Bhat	20.09.1936
10	School Admission Register	Kamal Mahadeorao	Cousin Uncle Son-in-law's Aunt	Bhat	02.07.1947

13. 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 upon by the Petitioner.



appearing at all in the family tree. The Scrutiny Committee considered these documents, even in the said documents there is no similarity in the name. It is very surprising that the Caste Scrutiny Committee without referring to the family tree, held that the female child born to Sheshrao who is in relation with the Petitioners as his cousin uncle's son-in-law's aunt. The documents on which the Caste Scrutiny Committee has relied, is nothing but an attempt to reject the claims of the Petitioners anyhow. It also appears that there is no consideration to the documents produced by the Petitioners nor to the reply to the show-cause notice by the Petitioners. It is specifically mentioned that the entries from Mouja Madhan, Tah. Chandur Bazar, District Amravati are not the person in blood relation of the Petitioners.

16. One of the ground of rejection of the caste claim is that there are sale deeds executed by the relatives of the Petitioners wherein it is not mentioned that the land belongs to Scheduled Tribe. In fact, this issue is already covered by this Court in the Judgment of ***Shraddha Sharad Wardekar and Shreyas Sharad Wardekar*** (supra). The documents relied on in

the petition filed by *Shraddha and Shreyas* are the same documents.

17. In all, there are 6 validity certificates issued to the relatives of the Petitioners showing their Tribe as 'Thakur'. The Petitioners also placed on record the judgments in other writ petitions, in which, the relatives of the Petitioners declared as 'Thakur' Scheduled Tribe. The Petitioners relied on judgment in the case of **Apoorva d/o. Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 & Ors.**, reported in **2010(6) Mh.L.J. 401**, wherein this Court in para 7 and 9 held as under :

*“7. We thus come to the conclusion that when during the course of enquiry the candidate submits a caste validity certificate granted earlier certifying that a blood relation of the candidate belongs to the same caste as that claimed by the applicant, the committee may grant such certificate without calling for Vigilance Cell Report. However, if the committee finds that the earlier caste certificate is tainted by fraud or is granted without jurisdiction, the Committee may refuse to follow and may refuse to grant certificate to the applicant before it.”*

*“9. In the present case, we find that the committee has disbelieved the petitioner's case that she belongs to Kanjar Bhat after calling the school leaving certificate of petitioner's father and noticing that the original caste written on it was 'Thakur' and that was subsequently changed to Kanjar Bhat. The*

*committee observed that the caste has been changed without complying with the procedure prescribed by Section 48(e) and 132(3) of Mumbai Primary Education Act. In fact, the caste has been changed on the basis of the affidavit. From the findings of the committee it appears that the committee has observed that the change of caste has been done illegally. Obviously, the committee which decided the caste claim of the petitioner's sister did not hold the same view, otherwise it would have refused to grant validity. In the circumstances, we are of the view that the committee which has expressed a doubt about the validity of caste claim of the petitioner and has described it as a mistake in its order, ought not to have arrived at a different conclusion. The matters pertaining to validity of caste have a great impact on the candidate as well as on the future generations in many matters varying from marriage to education and enjoyment, and therefore where a committee has given a finding about the validity of the caste of a candidate another committee ought not to refuse the same status to a blood relative who applies. A merely different view on the same facts would not entitle the committee dealing with the subsequent caste claim to reject it. There is, however, no doubt as observed by us earlier that if a committee is of the view that the earlier certificate is obtained by fraud it would not be bound to follow the earlier caste validity certificate and is entitled to refuse the caste claim and also in addition initiate proceedings for cancellation of the earlier order. In this view of the matter, we are of the view that the petition must succeed. Rule is made absolute in above terms. The Caste Scrutiny Committee is directed to furnish the caste validity certificate to the petitioner.”*

18. The order of the Scrutiny Committee is running into 160 pages, however, the documents of prior to 1950 having more probative value were not discussed and brushed aside on erroneous reasons. The document of 1917 is the oldest one. It is discarded only for the reason that the Committee feels that it is suspicious. The document of 1917 pertaining to Narayan Ramji Thakur is not discussed at all. If the documents prior to 1950 are perused, they are of 1917, 1938, 1939 and 1947 and all the names of the persons are appearing in the genealogy. Apart from that, there are six validities in favour of blood relatives of the Petitioners. So far as sale deeds are concerned, those documents are subsequent to cut off date. There are consequences in the Revenue Code for not taking permission of the Collector to sale of Tribal land to non-tribal. However, non mentioning of caste in the sale deeds, would not affect the rights of the Petitioners, as their ancestors were 'Thakur' Scheduled Tribes entered into pre-constitutional period.

19. This Court in the judgment of *Shraddha Sharad Wardekar and Shreyas Sharad Wardekar (supra)*, relied on the judgment of *Rushikesh Madhukar Chavan Vs. Scheduled Tribes*

**Caste Certificate Scrutiny Committee, Amravati**, reported in **2022(2) Mh.L.J. 136**, wherein it is held that :-

*“14. In the instant case, the Committee has not relied upon the decisions in these writ petitions on the ground of suppression of the fact that caste claim of Vijay was rejected and the challenge to the said order was dismissed in Writ Petition No. 447 of 2002. It is true that in subsequent petitions, there is no reference to rejection of caste claim of Vijay or dismissal of the Writ Petition No. 447 of 2002. In our view, suppression of these facts would be material only if the caste claim of Vijay and of the Petitioners in Writ Petition Nos. 5104 of 2019, 2131 of 2018 and 5105 of 2019 was based on the same documents. The impugned order does not indicate that the caste claim of the Petitioners in the aforesaid writ petitions was based on the very same documents relied upon by Vijay, which were considered and rejected by the Committee. By judgment dated 01.08.2018, the Division Bench of this Court had dismissed a group of petitions including the Writ Petition No. 447 of 2002. The judgment does not mention the documents or the other material relied by said Vijay in support of the caste claim. In fact, a perusal of the said judgment reveals that this Court had not adjudicated the caste claim of Vijay independently and had not recorded reasons for invalidating his claim. Moreover, it is on record that the decision of this Court in the case of Vijay Chavhan in Writ Petition No. 447 of 2002 is challenged before the Hon’ble Supreme Court and the Apex Court has continued the interim relief granted by this Court in favour of the Petitioner-Vijaym Chavhan. Furthermore, the caste certificates issued in favour of the blood relatives of the*

*Petitioners have not been cancelled on the ground of fraud. In the absence of proof of fraud or suppression of material facts, the Committee was not justified in discarding the previous judgments or in rejecting the caste claim of the Petitioners only because the claim of their paternal uncle Vijay was discarded.”*

20. This Court in the judgment of *Shraddha Sharad Wardekar and Shreyas Sharad Wardekar (supra)*, also relied on the judgment of *Ku. Chhaya d/o Jasvantsingh Hajari Vs. The Committee for Scrutiny and Verification of Tribe Claims, Amravati and Anr., Writ Petition No.4198/2005* with other connected matters, wherein, the question involved was - When the pre-constitutional documents record the caste as ‘Thakur’ and those documents are genuine, whether the recourse to affinity test is open ? The answer to this, would be that depending on affinity, is not essential nor suitable because historical and documentary evidence are more reliable than affinity tests.

21. The learned Counsel for the Petitioner placed reliance on *Maharashtra Adiwasi Thakur Jamat Swarakshan*

***Samiti*** (supra), wherein the Hon'ble Apex Court concluded as under :

*“36. Thus, to conclude, we hold that:*

*(a) .....*

*(b) For the reasons which we have recorded, affinity test cannot be conclusive either way. When an affinity test is conducted by the Vigilance Cell, the result of the test along with all other material on record having probative value will have to be taken into consideration by the Scrutiny Committee for deciding the caste validity claim; and*

*(c) In short, 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.”*

22. In our considered opinion, the Caste Scrutiny Committee has not considered the relevant material and only relied and discussed on irrelevant evidence. Whenever the Scrutiny Committee places reliance on certain documents showing adverse/contra entries, it has to be established by the Scrutiny Committee that the said documents are pertaining to the blood relatives of the Petitioners. The reliance on the said documents just to reject the claim of the Petitioners is not the function of the Caste Scrutiny Committee. It appears that the Vigilance Cell procured the documents and alleged that they are

in relation, however, there is nothing on record to establish that they are in relation with the Petitioners. As such, so many documents procured by the Vigilance Cell without showing how they are in relation with the Petitioners is having no probative value.

23. As such, the impugned orders passed by the Caste Scrutiny Committee are patently erroneous, perverse and are liable to be set aside. Accordingly, we proceed to pass following order :

- (i) Both the Writ Petitions are allowed.
- (ii) The impugned order dated 31.05.2023, passed in case No. 5/ST/2009/13525, and order dated 03.07.2023, passed in case Nos. (1) 5/502/Edu/072021/182628 and (2) 5/502/Edu/072021/182629, passed by the Respondent – Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal are hereby quashed and set aside.
- (iii) It is declared that the Petitioners duly established that they belong to “Thakur” Scheduled Tribe.
- (iv) The Respondent Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal is hereby directed to

issue the validity certificates of “**Thakur**” Scheduled Tribe to the Petitioners within a period of four weeks.

24. 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.)

*Kirtak*