



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1873 OF 2026

Mohammad Lukman Parekh,
Age : 17 years, Occu : Student,
through father Lukman Harun
Parekh, Age about __years Occ:
Business, R/o Tidke Hall,
Ramsumer Baba Nager, Nagpur

...PETITIONER

VERSUS

The District Caste
Certificate Scrutiny Committee,
Through its Member – Secretary,
Washim

...RESPONDENT

Shri Vedant Pandey, Advocate for petitioner
Shri N.R. Patil, Advocate for respondent/State

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

RESERVED ON : **27.04.2026**
PRONOUNCED ON : **05.05.2026**

JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

Heard.

2. **Rule.** Rule is made returnable forthwith. Heard finally with the consent of parties.

3. The present petition takes exception to the order dated 08.01.2026, passed by the Scrutiny Committee. By the said order, the claim for validation of the petitioner as he belonging to 'Kachhi' Other Backward Class is rejected.

4. The facts as stated in the petition are as under:

The petitioner belonging to 'Kachi' Other Backward Class, has obtained a caste certificate from the Sub-Divisional Officer, Karanja, on 26.03.2025. In the month of July, 2025, the claim for verification was forwarded by submitting an online application, as also the relevant documents in support of the caste claim. Thereafter, in the month of December, 2025, the police vigilance cell enquiry was conducted, and a report was submitted. A show cause notice was issued on 12.12.2025. Thereafter, on 08.01.2026, the Committee chose to invalidate the caste claim. The said order is impugned in the present petition.

5. We have heard Shri Vedant Pandey, learned Counsel for the petitioner, and Shri N.R. Patil, learned Assistant Government Pleader for respondent No.1/State.

6. Learned Counsel for the petitioner submits that the order of the Scrutiny Committee is out and out perverse and cannot be supported by any reason. He submits that there is no relevant and sufficient material on record to refute the caste claim of the petitioner. In his submission, the respondent Committee has committed a grave error by holding that since the petitioner follows 'Islam', he cannot belong to 'Kutchi-Kachhi' caste in the Other Backward Classes. He further submits that, as held by the Hon'ble Supreme Court, the affinity test is only corroborative and cannot override any documentary evidence if it is found to be conclusive enough to support a caste claim. He therefore states that the petition needs to be allowed.

7. Per contra, the learned Assistant Government Pleader supports the impugned order. By taking us through the order of the Committee impugned in the petition, he submits that a finding

based on the basis of documents has been recorded and therefore there is no reason to interfere in the extraordinary jurisdiction.

8. Rival contentions fall for our consideration.

9. As can be seen from the impugned order that, apart from the documents of the petitioner himself, there were documents in the nature of admission register of the father and uncle of the petitioner. The oldest document being birth certificate of a male child born to great grandfather of the petitioner, namely, Mo. Sileman Kachhi, the registration certificate being of 01.09.1951. Another document was a school extract register dated 05.07.1958 and a sale deed dated 23.01.1959. As far as document of school extract register dated 05.07.1958 is concerned, the reason for discarding is that the caste is mentioned as 'Musalman Mamon' and not 'Kachi'. However, the Scrutiny Committee failed to appreciate that it is only one stray entry and other record mentions the caste as 'Kachhi'.

10. Furthermore, as far as the birth certificate of one male child born to the great grandfather is unequivocally shows the caste as 'Kachhi'. It is also noteworthy to mention that there is no finding on

the sale deed dated 23.01.1959, which also shows the caste as 'Kachhi'. Thus, the reasoning of the Scrutiny Committee cannot be countenanced, nor can it be supported.

11. As held by the Hon'ble Supreme Court in the judgment of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra, report in (2023) 16 SCC 415*, that the affinity test is not a litmus test to decide a caste claim and is not an essential part of the process of the determination of correctness of a caste or tribe claim in every case.

12. Thus, taking the overall view of the matter, the non-consideration of vital documents showing the caste of the petitioner as 'Kachhi' has not been considered by the Scrutiny Committee in its true perspective. Furthermore, as stated supra affinity test cannot be the sole criteria when there are documents to show that the petitioner belongs to a particular caste. In that view of the matter, we pass the following order :

ORDER

i) The writ petition is allowed.

ii) The order dated 08.01.2026 passed by the respondent No.1, Scrutiny Committee, is quashed and set aside.

iii) It is further directed that the Scrutiny Committee should issue a caste certificate to the petitioner certifying that he belongs to 'Kachi' Other Backward Class within four weeks from the date of this order.

13. The writ petition is allowed and disposed of.

14. Rule is made absolute in the above terms.

(NANDESH S. DESHPANDE, J.)

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

Jayashree..