

(2026) 08 BOM CK 2424

In the Bombay High Court, Kolhapur Bench

Case No : Writ Petition No. 1268 of 2015

Arjun Laxman Chaudhari

APPELLANT

Vs

The State Of Maharashtra & Ors.

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Constitution (Other Backward Classes) Order
Constitution of India

Citation : (2026) 08 BOM CK 2424

Hon'ble Judges : Sandesh D. Patil, J; Mrs. Vrushali V. Joshi, J

Bench : Division Bench

Advocate : Mr. Sanjay Thokade, Mr. Sanjay D. Rayrikar

Final Decision : Disposed Of

Judgement

1. The Petitioner has filed the present Petition challenging the order dated 31st December 2013 passed by Respondent No. 2, whereby the caste claim of the Petitioner belonging to the 'Hindu-Lodhi' caste has been invalidated. The Petitioner belongs to the Hindu-Lodhi caste, which is recognized as Other Backward Class (OBC) at Serial No. 336 under the Constitution (Other Backward Classes) Order issued under the relevant provisions of the Constitution of India.

2. The Petitioner was appointed as a Police Constable on 9th February 2012 against a post reserved for candidates belonging to the Other Backward Class (OBC) category. As a part of the appointment process, the Petitioner was required to produce a valid Caste Validity Certificate before the competent authority. Accordingly, the Petitioner submitted an application before the competent Scrutiny Committee seeking validation of his caste claim.

3. The Petitioner has placed on record the Caste Certificate of his father-Laxman Vitthal Chaudhari. The Petitioner has also produced the Caste Certificate dated 22nd June 1959 of his paternal uncle, Ranusing Dhansing Chaudhari, wherein the caste is recorded as 'Hindu-Lodhi'. Further, the Petitioner has annexed the School

Leaving Certificate of his cousin, Manojkumar Ranusing Chaudhari, issued in the year 1996, wherein the caste is recorded as 'Lodhi'. Thus, the Petitioner has produced documentary evidence pertaining to his nearest blood relatives consistently recording their caste as 'Lodhi' or 'Hindu-Lodhi'.

4. It is true that the Petitioner's School Leaving Certificate records his caste as "Thakur". However, the Petitioner has explained that although he belongs to the "Lodhi" caste, his surname is "Chaudhari", and in Northern India persons bearing the surname "Chaudhari" are also commonly known as "Thakur". The Petitioner has further explained that his parents are illiterate and, owing to such circumstances, his caste came to be erroneously recorded as "Thakur" in his School Leaving Certificate.

5. The Petitioner submits that Respondent No. 2 – Scrutiny Committee failed to consider the aforesaid documentary evidence as well as the explanation furnished by the Petitioner while adjudicating his caste claim.

6. The Petitioner has further relied upon the School Leaving Certificate of Ramsing Kishansing Chaudhari, wherein the caste is recorded as "Hindu-Lodhi". The corresponding Caste Certificate, issued in the year 1950, was also produced before the Respondent No. 2 – Scrutiny Committee. However, the said documentary evidence has not been properly considered by the Respondent No. 2 while passing the impugned order.

7. In the statement of Ramchandra Sivasingwale, a resident of Sanjay Nagar, Kumtha Naka, Solapur, it has been stated that he has known the Petitioner's father since the time of their forefathers. He has further stated that the Petitioner's grandfather was engaged in masonry as his means of livelihood. He has specifically stated that the Petitioner's family belongs to the "Lodhi" caste and has traditionally been engaged in the work of masonry and painting.

8. However, the Vigilance Cell, in its report dated 1st June 2013, observed that the Petitioner's grandfather-Vitthalsing had migrated from the State of Karnataka to Solapur. The Vigilance Cell relied upon the statements of the Petitioner's landlord, Bhimsen Huljantiwale, and another neighbour, Tuljaram Gorlewale. These witnesses stated that the Petitioner's family had migrated from another State.

9. Relying solely upon the aforesaid statements, the Vigilance Cell submitted its report without conducting a proper and independent enquiry into the social status claimed by the Petitioner. The Vigilance Officer failed to personally verify and collect relevant information regarding the social status of the Petitioner and his family. The Vigilance Officer also failed to examine the Petitioner's parents or guardians for the purpose of verifying the caste claim.

10. It is well settled that the scope of an enquiry by the Vigilance Cell is broad-based and is not confined merely to the verification of the documentary evidence produced by the claimant. The Vigilance Officer is required to conduct a

comprehensive enquiry by collecting all relevant material, including examining the claimant, his parents or guardians, relatives, and other persons having knowledge of the family's social status, before submitting the Vigilance Report.

11. The Petitioner submits that the Vigilance Officer is required to conduct a comprehensive enquiry into the caste claim, which includes conducting an affinity test to ascertain whether the claimant genuinely belongs to the caste claimed. In other words, an enquiry into the claimant's kinship and affinity with the claimed caste forms an integral part of the scheme of the relevant Act and the Rules framed thereunder. The Vigilance Officer is further required to conduct an independent enquiry into the social status of the Petitioner.

12. In the present case, the Vigilance Officer has failed to make any meaningful enquiry in respect of the aforesaid aspects and has conducted only a superficial enquiry. Consequently, the Vigilance Report suffers from non-application of mind and does not satisfy the requirements of a proper enquiry contemplated under law.

13. The Respondent No. 2 – Scrutiny Committee has also failed to consider the certificate issued by the Lodhi Samaj Trust, certifying that the Petitioner belongs to the "Lodhi" caste. The Scrutiny Committee has further failed to consider the relationship of the Petitioner with Ramsing Kishansing Chaudhari, who was born in the year 1932. The Petitioner had produced the School Leaving Certificate of the said Ramsing Kishansing Chaudhari, issued in the year 1944, wherein his caste is recorded as "Hindu-Lodhi". The said document, being a pre-independence record of considerable probative value, has not been properly appreciated by the Respondent No. 2 – Scrutiny Committee.

14. The material on record further establishes that the Petitioner's family had migrated prior to the year 1932, as is evident from the School Leaving Certificate of Ramsing Kishansing Chaudhari, who left school in the year 1944. At the relevant point of time, prior to the reorganisation of States and the bifurcation of the erstwhile Bombay State, District Vijayapur (Bijapur) formed part of the Bombay State. Therefore, the Respondent No. 2 – Scrutiny Committee could not have rejected the Petitioner's caste claim merely on the ground that his family had migrated from the said region. The so-called migration, by itself, does not constitute a valid ground for discarding the Petitioner's claim to belong to the 'Hindu-Lodhi' caste.

15. The Petitioner has relied upon the School Leaving Certificate of Ranosing Dhansing Chaudhari, who is the Petitioner's paternal uncle, wherein his caste is recorded as "Hindu-Lodhi". The said Ranosing Dhansing Chaudhari was born on 24th January 1950. The Petitioner has also established his relationship with the said Ranosing Dhansing Chaudhari by producing the genealogical tree on record. In the circumstances, the said School Leaving Certificate is a contemporaneous document of considerable probative value and lends substantial support to the Petitioner's caste claim.

16. The Petitioner submits that the Respondent No. 2 – Scrutiny Committee has failed to consider the aforesaid documentary evidence and has also omitted to conduct the affinity test as required while adjudicating the Petitioner's caste claim. In view thereof, the Petitioner has prayed that the impugned order passed by the Respondent No. 2 – Scrutiny Committee be quashed and set aside, and that the matter be remanded to the Respondent No. 2 – Scrutiny Committee for conducting a proper enquiry, including the affinity test, and thereafter to decide the Petitioner's caste claim afresh in accordance with law.

17. The learned APP opposed the Petition and submitted that the Respondent No. 2 – Scrutiny Committee has passed a well-reasoned and speaking order after duly considering the material placed on record. It was contended that the documents produced by the Petitioner contain inconsistent caste entries, some recording the caste as "Lodhi-Rajput" and others as "Thakur". It was further submitted that the Vigilance Cell Report does not support the Petitioner's caste claim.

18. The learned APP further submitted that there is no reliable documentary evidence on record to establish that the Petitioner belongs to the 'Hindu-Lodhi' community. In the circumstances, it was contended that the Respondent No. 2 – Scrutiny Committee has rightly invalidated the Petitioner's caste claim, and therefore, the impugned order does not warrant any interference by this Hon'ble Court in the exercise of its writ jurisdiction.

19. Heard the learned counsel appearing for the respective parties and perused the record.

20. The Petitioner is claiming validity of his caste claim as belonging to the 'Hindu-Lodhi' caste. In support of his claim, the Petitioner has placed on record various documentary evidences, including a document of the year 1959, namely the School Leaving Certificate of his cousin uncle.

21. It is noticed that some of the documents produced by the Petitioner record the caste as 'Thakur', while one of the documents mentions the caste as 'Hindu-Lodhi Rajput'. The Petitioner has furnished an explanation in respect of the said entries. The document of the year 1959 is supported by the genealogical tree produced by the Petitioner, which establishes the relationship of the said person with the Petitioner.

22. After going through the impugned order, it appears that the Vigilance Cell has relied solely upon the statements of two persons to record a finding that the Petitioner's grandfather had migrated from Karnataka. No further enquiry appears to have been conducted by the Vigilance Officer, nor has any affinity test been carried out.

23. Though the affinity test is not a conclusive or determinative test for establishing a caste claim, it is a relevant and corroborative test that assists in appreciating the social status and caste claim of the claimant. Therefore, the

same assumes significance, particularly when certain documentary evidence produced by the Petitioner supports his claim.

24. In the present case, the affinity test was not conducted, and the statement of one of the witnesses supporting the Petitioner's caste claim has not been considered by the Vigilance Officer. The Vigilance enquiry appears to have been conducted in a casual and perfunctory manner without making a comprehensive enquiry into the Petitioner's social status and caste claim.

25. In view of the aforesaid circumstances, it is necessary to remand the matter back to the Respondent No. 2 – Scrutiny Committee for fresh consideration of the Petitioner's caste claim in accordance with law, after conducting a proper enquiry, including consideration of the relevant documentary evidence and the affinity test.

26. Hence, the order dated 31stDecember 2013 passed by the Respondent No. 2 – Scrutiny Committee is hereby quashed and set aside.

27. The matter is remanded back to the Respondent No. 2 – Scrutiny Committee for conducting the affinity test and for reconsideration of the Petitioner's caste claim afresh, in accordance with law, within a period of four months from the date of this order.

28. The Writ Petition is accordingly disposed of.