



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4001 OF 2026

Chetan Jitendra Thakur

Age : 18 years, Occ. : Education

R/o – Indira Nagar Parisar,

VTC Paldhi Bk.

Tal Dharangaon and District Jalgaon.

.. Petitioner

Versus

1. The State of Maharashtra
Through Tribal Department
Mantralaya, Mumbai.

2. Joint Commissioner cum Vice Chairman
Scheduled Tribe Certificate Scrutiny
Committee, Dhule

.. Respondents

Mr. M. R. Wagh, Advocate for the Petitioner.

Mr. A. S. Shinde, AGP for Respondent Nos. 1 & 2.

**CORAM : KISHORE C. SANT AND
AJIT B. KADETHANKAR, JJ.**

Date on which reserved for order : 23rd July 2026.

Date on which order pronounced : 16th September 2026.

FINAL ORDER (*PER KISHORE C. SANT, J.*) :-

1. The petitioner has approached this Court challenging judgment and order passed by the respondent No. 2 – scrutiny committee, Dhule dated 13.01.2026 whereby claim of the petitioner is invalidated as belonging to Scheduled Tribe category. Further prayer is to direct the committee to grant a certificate in

favour of the petitioner showing him to be belonging to Thakur community, a Scheduled Tribe.

2. The facts in short are that the petitioner happens to be a student. He claims to belong to 'Thakur', Scheduled Tribe. He obtained the certificate from the Sub-Divisional Officer, Erandol showing his tribe as 'Thakur'. His proposal is sent for validation by the school in which he is studying. In support of his claim he relied upon the validity certificate of his second cousin namely Pranav Thakur. He also relied upon the documents in respect of his great grandfather, Ramkrushna Thakur and his cousin grandfather, Narayan Thakur whose caste is shown as Hindu Thakur in the school record. He also relied upon the school record of his great great grandfather whose birth date is shown to be 06.05.1899 in the school record. The committee however found that these entries could not be verified properly. Other entries though are in the name of Hindu Thakur, those are post-constitutional era and therefore, those are not accepted by the committee. The committee further held that the petitioner not come from the area where people from Thakur community are found. The validities in the name of near relatives namely Suresh

Devram Nikumbh and Suresh Madhavrao Thakur are concerned, the petitioner could not establish relation with them. The validity granted in favour of Shankar Ramkrushna Nikumbh is recalled by the committee. On these counts the committee invalidated petitioner's claim.

3. Learned advocate Mr. Wagh for the petitioner vehemently argued that the committee has erred in not relying upon the documents from the pre-constitutional era. There are entries in the name of his great grandfather, grandfather, cousin grandfather showing the caste to be Hindu Thakur. The committee while discarding the said evidence has not given proper reasons. There are also entries even after the post-constitution era of the relatives showing them to be belonging to Hindu Thakur. The contra entries are given much importance when, in fact those could not have been taken to dislodge the claim. So far as affinity test is concerned, he submits that the affinity test is only a corroborative piece and is not a sole criteria to refuse grant of validity. He relied upon the following judgments :

(i) Somnath Gorakh Bagul And Another Vs. The State of Maharashtra And Another¹.

1 W. P. No. 14732/2023 (Aurangabad Bench).

(ii) Mohanish Bhikan Thakur Through Father Bhikan Narayan Thakur Vs. Director of Technical Education Maharashtra State And Others².

(iii) Saurabh s/o Ashok Nikam Vs. The State of Maharashtra And Another³.

4. Learned A.G.P Mr. Shinde for both the respondents vehemently opposes the petition. He submits that the committee has rightly considered all the documents. So far as pre-constitutional era documents are concerned, the committee has rightly held that those documents are not found to be genuine. The affinity test clearly goes against the petitioner. Even in the pre-constitutional era the entries in the name of Narayan Govind Nikumbh and Ramchandra Govind Nikumbh who happened to be grand uncles of the petitioner, their caste is shown as Maratha Thakur and 'Hindu Bramhabhat' respectively. In the school record in one of the entries in case of Ramchandra Govind Nukumbh he is shown as 'Hindu Bramhabhat' by striking out the word Thakur. He further submits that the father's entries after post-constitutional era also show the caste as Hindu Thakur. However, those cannot be relied upon being of post-constitution era. The

2 W. P. No. 8921/2019 (Aurangabad Bench).

3 W. P. No. 241/2022 (Aurangabad Bench).

committee has rightly considered this aspect.

5. So far as validity holders are concerned namely Suresh Devram Nikumbh and Suresh Madhavrao Thakur, the petitioner could not show any relation with these two persons. One affidavit is filed of Shankar Ramkrushna Nikumbh, however, he could not get the affidavit of Suresh Nikumbh and Suresh Thakur. In the genealogy submitted in Shankar's file Suresh Nikumbh and Suresh Thakur are not found.

6. The petitioner relied only on the validity of Shankar. However, Shankar's validity is cancelled and writ petition against cancelling his validity is pending. No documentary evidence is produced to show relation with Suresh. So far as other validity holders namely Bhatu Ramchandra Nikumbh, Deepak Shankar Thakur and Chhaya Shankar Thakur it is rightly observed that in the case of Bhatu Nikumbh show cause notice is issued. In the case of Deepak Thakur, Chhaya Thakur and Pranav Thakur the certificates are granted by this Court conditionally subject to outcome of the reopened case of Shankar Nikumbh. The learned A.G.P. thus prays for rejection of the petition.

7. After hearing the parties, this Court has to only see as to whether there is sufficient material produced by the petitioner to prove his caste status as Hindu Thakur. Secondly, whether the scrutiny committee – respondent No. 2 has rightly considered the case of the petitioner.

8. This Court has considered the submissions carefully. So far as judgment in the case of *Somnath Gorakh Bagul (supra)* is concerned, this Court in the said case granted validity. It is a case wherein the validity granted to the petitioners came to be cancelled by reopening their cases. It was considered that the petitioners were granted validity in the year 2000-2001. It was observed that the petitioner had obtained the validity certificate by suppression of material facts as regards contra entries in respect of blood relations. In the said case the petitioners had produced the oldest document of 1877 from the school of one Bhagwan Ramsing showing his caste as Thakur. The said document was verified by the vigilance officer. There were no adverse entries. There were also entries till 1932 in the relations of the petitioners showing caste as Thakur. In that case the committee has not recorded any cogent reason while discarding the oldest record produced by the petitioners and in that view the

writ petition was allowed. The order of cancellation of validity certificate was set aside.

9. In the case of ***Mohanish Bhikan Thakur*** (*supra*), there was school record of the year 1918 showing the caste of petitioner's great grandfather as Thakur. The subsequent entries were also shown to be as Thakur. Only one isolated entry was found in the name of one of the relatives where the caste was shown as 'Hindu Bhat'. This Court considering that there are consistent entries showing the caste as Thakur and there is only one entry that too of pre-constitutional era granted validity.

10. In the case of ***Saurabh s/o Ashok Nikam*** (*supra*) the claim was rejected by the committee on the ground that the petitioner failed to prove his claim on the basis of documentary evidence. Where the petitioner proved the certificate in favour of his close blood relatives and whether the affinity was proved. This Court in the facts of the case found that there are validities in the family and by relying upon the judgment in the case of ***Apoorva d/o Vinay Nichale Vs. Divisional Caste Scrutiny Committee and others***⁴, had directed to grant validity.

⁴ 2010 (6) Mh.L.J. 401.

11. In the present case, the committee has considered the pre-constitutional entries in respect of two grand uncles namely Narayan Govind Nikumbh and Ramchandra Govind Nikumbh who were shown as 'Marathe Thakur' and 'Hindu Bramhabhat' respectively. So far as great grandfather Ramkrushna Kalu Thakur is concerned, his entry is of 1920. So far as Govinda Thakur, his great grandfather is shown to be Thakur. The said entry is of 06.05.1899. However, this also could not be verified in the vigilance cell investigation. The entry in the name of Narayan Ramkrushna Thakur i.e. grand uncle from different branches is also shown to be Hindu Thakur. The committee did not believe those documents as those could not be verified through vigilance cell. Other entries are post-constitution era and therefore, are rightly not considered. However, looking to the reasoning part of the judgment by the committee there is no doubt expressed about the entry in the year 1920 in the name of great grandfather of the petitioner. The committee has merely relied upon the entries of other persons who are shown to be other than Thakur.

12. So far as place of residence is concerned, now it is well settled that merely if a person is not residing in the particular area

it is not a ground to deny the benefit. The submission of learned A.G.P. is that the surname of the relatives of the petitioner do not match with the surnames of the community Thakur. So far as family traditions are concerned, the committee has come to conclusion that it does not match with the traditions of Thakur community. One more aspect needs to be considered that though the petitioner has shown Suresh Nikumbh and Suresh Thakur in relation, however he could not show the blood relation with them. The only case relied upon was the case of Suresh Nikumbh. However, his case is recalled. So far as other validities are concerned, it is considered that those validities are not shown to have been obtained by following proper procedure and those were not considered by the committee.

13. On considering all above aspects this Court finds that, no doubt is expressed about the entry of the year 1920 in respect of the grandfather of the petitioner wherein, caste is shown as Thakur. No doubt is also expressed as regards grand uncle wherein, caste is again recorded as Hindu Thakur in the year 1949. There are three contra entries prior to pre-constitutional era, however those cannot be considered in the present case.

Having accepted the 1920 and 1949 entries, the contra entries of pre-constitutional era could not have been considered to deny the benefit of the caste claim to the petitioner.

14. Considering above, this Court finds that, the petitioner has made out a case to allow the writ petition.

15. The writ petition stands allowed. The impugned judgment and order dated 13.01.2026 passed by the respondent No. 2 – scrutiny committee is quashed and set aside. The committee is directed to issue certificate to the petitioner as belonging to Hindu Thakur, a Scheduled Tribe.

16. With this, the writ petition stands disposed of.

(AJIT B. KADETHANKAR, J.)

(KISHORE C. SANT, J.)

PS.B.