



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9311 OF 2026

Jay s/o Kailas Thakur
Age : 17 years (Minor), Occu. Student,
U/g of father – Viz.,
Kailas s/o Uttam Thakur,
Age : 49 years, Occ. Agriculturist,
R/o. Koli Galli, Parola,
Tq. Parola, Dist. Jalgaon .. Petitioner

Versus

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai – 32
Through its Secretary.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Dhule Division,
Dhule, Tq. & Dist. Dhule
Through its Member Secretary .. Respondents

Mr. Sushant C. Yeramwar, Advocate for the Petitioner.
Mr. P. S. Patil, AGP for Respondent.1 & 2.

**CORAM : KISHORE C. SANT AND
JITENDRA JAIN, JJ.**

Date on which reserved for order : 14th August, 2026.

Date on which order pronounced : 03rd September, 2026.

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

1. The petitioner, aggrieved by impugned judgment and order passed by the respondent No. 2 - committee dated 20.07.2026

thereby invalidating the tribe claim of the petitioner as belonging to Thakur, Scheduled Tribe in case No. 14/499/Edu/082025/180125, has approached this Court. It is further prayed to hold and declare that the petitioner belongs to Thakur, Scheduled Tribe and further direction to the committee to issue certificate of validity in favour of the petitioner as belonging to Thakur, Scheduled Tribe.

2. Heard learned advocate Mr. Yeramwar for the petitioner and learned A.G.P. Mr. Patil for respondent Nos. 1 and 2. By consent of the parties taken up for final disposal at the stage of admission.

3. It is the case of the petitioner that the petitioner happens to be a person belonging to Thakur community, a Scheduled Tribe. He obtained the certificate as belonging to Hindu Thakur from the learned S.D.O., Erandol and submitted proposal for validation before the committee. However, the committee held that the petitioner failed to prove his tribe status on the basis of contra entries showing the caste to be 'Ghra. Kshabhat' of the grand uncle i.e. Laxman Shankar and 'Bramhabhat' of great grand uncle i.e. Zipru Shenpadu Thakur from the school. Those entries are taken in the year 1896 and on 10.08.1925 showing that they belong to

open category. Further it is held that in 1896 his grand uncle, Laxman Shankar is shown as 'Ghra Kshabhat'. In the case of Zipru Shenpadu Thakur, great grand uncle is shown to be Thakur (Bramhabhat). These entries are taken to be against each other. So far as affinity test is concerned, it is held that the petitioner failed in affinity test. So far as validities in the names of relatives, it is held that the said validities are granted wherein the validity holders had approached the committee by suppressing material facts. The committee held against the petitioner. Therefore, the petitioner has approached this Court.

4. Learned advocate Mr. Yeramwar for the petitioner vehemently argued that the petitioner has placed entire material before the committee which is sufficient to prove the claim of the petitioner. The petitioner has produced the school record of 1915 of Shankar Shenpadu, great grandfather of the petitioner whose caste is shown to be Thakur. However, this vital entry is not considered properly by the committee. The entry is of the year 1915, the same being of pre-constitutional era has a great probative value. The petitioner has shown his genealogy in the case of one Pawan Thakur. The validity was granted in his favour

who happened to be third cousin of the petitioner, still the said is not considered.

. As regards the observations by the committee, he submits that, merely because some entries of distant relatives are showing caste as 'Ghra. Kshabhat' and 'Bramhabhat' will not take away the caste status of the great grandfather of the petitioner. The entry as 'Ghra. Kshabhat' and Thakur (Bramhabhat) are not properly taken. So far as father's caste in the school record is Hindu Thakur, Backward (मागा) cannot be said to be contra entry. The said entry is of 1981 which is consistent with the entry of his great grandfather. The entry in the name of Uttam Shankar Thakur i.e. grandfather that was taken in the year 1942 in the school also shows the caste as Hindu Thakur. He thus submits that the observations of the committee are not correct. So far as Pawan Rajesh Thakur, the committee has wrongly observed that in his case he had suppressed certain documents i.e. old contra entries. There is no material to support the finding about suppression recorded by the committee.

5. He relied upon the order passed by the Hon'ble Apex Court in the case of ***Veena Ashok Godse @ Veena Hemant Sonawane Vs.***

*State of Maharashtra and Ors*¹. He further relies upon the judgments in the cases of (i) *Abasaheb s/o Gulabrao Thakur Vs. The State of Maharashtra And Others*² with other connected petitions and (ii) *Vaibhavi d/o Vasant Suryavanshi Vs. State of Maharashtra And Another*³.

6. The learned A.G.P. Mr. Patil for respondents vehemently opposes the petition. He submits that so called extract of the school record in respect of Shankar Shenpadu is without stamp of the school or the Headmaster, therefore, his school leaving certificate dated 12.05.2012 also cannot be believed. The vigilance cell had conducted inquiry wherein, it is observed that in the case of Pawan Rajesh Thakur the record was suppressed of the contra entries. It is observed that the entries relied upon by the petitioner are fabricated which is shown to be of pre-independence era. His grand uncle, Laxman Shankar is shown to be 'Ghra. Kshabhat'. So far as Shankar Shenpadu i.e. great grandfather could not be verified as the general register of the school is in torned condition. So far as great grand uncle namely Zipru Shenpadu is shown to be Thakur Bhramhabhat. So far as

1 Civil Appeal No. 19968 of 2017.

2 W. P. No. 7472 of 2021 (Aurangabad Bench).

3 W. P. No. 6564 of 2026 (Aurangabad Bench).

grandfather Uttam Shankar is concerned, the entry in the caste column is shown to be Hindu Thakur in the school register. So far as other entries are concerned, those are after independence. It was thus observed that there are contra entries. The learned A.G.P further submits that the committee has thus rightly observed that the petitioner has failed to prove his case.

7. In the case of ***Veena Ashok Godse*** (*supra*), the Hon'ble Apex Court was dealing with the case wherein the claimant had relied upon the leaving certificate issued by Zilla Parishad, Primary School of the year 1922 in the name of great grandfather whose caste was shown to be Hindu Wani. She had also relied upon the certificate issued by the authorities in respect of her cousin uncle, grandfather and cousin grandfather wherein, the caste was recorded as Wani. However, the committee found that in the case of grandfather of the claimant in the year 1944 got his caste mentioned as "Kulwant Wani" and thereafter father and brothers of the appellant also mentioned their caste as "Kulwant Wani". It was taken that it does not mean that the appellant would become member of the "Kulwant Wani" caste. It was observed that when they are the springs of her great grandfather whose caste was recorded only as Hindu Wani in the year 1922 that would prevail.

The Court relied upon the judgment in the case of ***Anand Vs. Committee for Scrutiny and Verification of Tribe Claims And Others, (2012) 1 SCC 113.***

8. In the case of ***Abasaheb s/o Gulabrao Thakur (supra)***, in the said case also the father and one uncle's record in the school was showing caste as Thakur in the birth and death register. However, in the school record of one uncle the caste was written as 'Bramhabhat' whereas in the cases of aunts the school record of the year 1937 and 1939 again the caste was shown to be Thakur. This Court considering the judgment in the case of ***Veena Ashok Godse (supra)*** and other judgments held that the petitioner was entitled to get validity and in that view the petition was allowed by setting aside the judgment of the scrutiny committee.

9. In the case of ***Vaibhavi d/o Vasant Suryavanshi (supra)***, this Court considered that grandfather of the petitioner therein was shown to be belonging to Hindu Thakur in the school record. The said entry was of the year 1946 and in that view allowed the petition.

10. The learned A.G.P. has produced the file of the petitioner from the committee. It is already shown that Laxman Shankar was

shown to be 'Ghra. Kshabhat' in the school record. So far as case of Zipru Shenpadu who was also shown as 'Bramhabhat', this Court has seen the record. From the record, a copy of general register No. 1 is seen wherein Laxman Shankar is shown as 'Ghra. Kshabhat'. So far as Zipru Shenpadu the caste is shown to be Thakur (Bramhabhat). An affidavit of Pawan shows that the present applicant is third cousin of the petitioner. The Headmaster from the school where Shankar Shenpadu and Zipru Shenpadu were admitted shows that, it is difficult to ascertain from the register the entries of Shankar Shenpadu Thakur and Zipru Shenpadu Thakur. Though Shankar Shenpadu Thakur is shown to be of Thakur community, the said is without stamp of the person issuing the certificate below the signature. Even the name and designation of person is not mentioned. Therefore, the said cannot be believed.

11. In the present case, this Court finds that, when great grandfather was clearly shown to be of Thakur tribe in the year 1915 that would be a document of much importance. Merely because his brother had shown some other caste will not take away the caste status of the great grandfather. The contra entries are not of post-constitution era, but are of the pre-constitutional

era itself. When such is the case and when great grandfather who is directly in lineage with the petitioner is shown to be Thakur, the entries as 'Bramhabhat' and 'Ghra. Kshabhat' of other relatives need not be given much importance. There is nothing on record to show that any of the entries are fabricated or are bogus or false. The only objection of the learned A.G.P is that the copy of the school record of Shankar Shenpadu Thakur is not signed and there is no stamp of the school. However, this Court finds force in the submission of the petitioner in rejoinder that the committee has not doubted this document. Now it is not open to doubt the said document.

12. Considering all above, this Court finds that, a case is made out to allow the writ petition.

13. The writ petition stands allowed in terms of prayer clauses (B) and (C).

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

(JITENDRA JAIN, J.)

(KISHORE C. SANT, J.)

PS.B.