

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9757 OF 2007

Digambar (Dead),]
son of Manohar Dahake,]
aged about 31 years]
Through Legal Representatives :]
1. **Pravina Digambar Dahake,**]
aged about 41 years, Occupation : Housewife.]
2. **Samrudhi Digambar Dahake,**]
aged about 16 years, Occupation : Student.]
3. **Sanskriti Digambar Dahake,**]
aged about 8 years, Occupation : Student.]
All residing at :]
Bhaji Bazar, Amravati, Tahsil and District]
Amravati].....Petitioner

Versus

1. **The Committee for Scrutiny & Verification of**]
Tribal Claims, Amravati,]
Through its Chairman.]
2. **Amravati Municipal Corporation, Amravati,**]
through its Municipal Commissioner, Amravati.]
3. **State Election Commissioner,**]
Mumbai, Administrative Building,]
Opp : Mantralaya, Mumbai-400 032.]
4. **State of Maharashtra**]
through Secretary, Urban Development]
Department,]
Mantralaya, Mumbai-400 032.].....Respondents

.....
Ms. Preeti D. Rane, for the Petitioner.

Ms. N. M. Mehra, A.G.P., for the Respondent-State

.....

**CORAM : M. S. KARNIK &
SANDESH D.PATIL, JJ.**

RESERVED ON : 10th SEPTEMBER 2026

PRONOUNCED ON : 24th SEPTEMBER 2026

JUDGMENT [PER SANDESH D. PATIL, J]:-

1. Rule. Rule made returnable forthwith and with the consent of the parties matter is taken up for final hearing.

2. By the present Writ Petition, the Petitioner (since deceased, through legal heirs) is challenging the Order dated 26th July, 2002 passed by the Respondent No.1-The Committee for Scrutiny & Verification of Tribal Claims, Amravati invalidating his Caste claim belonging to 'Thakur' Scheduled Tribe.

3. The case of the Petitioner is that the Petitioner belongs to the Thakur Scheduled Tribe within the meaning of entry 44 of Part IX of the Constitutional (Scheduled Tribe) Order 1950. The Petitioner was issued the Caste Certificate as Thakur Scheduled Tribe vide a Order dated 27th February, 1991 by the Competent Authority. On 26th July,

2002 Respondent No. 1 passed an Order invalidating the Petitioner's Caste claim belonging to 'Thakur' Scheduled Tribe. Being aggrieved and dissatisfied with the order passed by the Committee, the Petitioner had preferred a Writ Petition bearing No.3024 of 2002 before the High Court of Judicature at Bombay, Nagpur Bench. That Petition was dismissed by the said Court. Being aggrieved and dissatisfied with the same, the Petitioner had preferred a Special Leave Petition before the Hon'ble Supreme Court. The Hon'ble Supreme Court vide Judgment and Order dated 12th December 2025 quashed and set aside the Judgment and Orders passed by the High Court, Nagpur Bench and remanded the matter back to this Court. This is how the matters are placed before us.

4. The learned Counsel appearing for the Petitioner, after the remand, has filed an additional affidavit stating that the close blood relative of the Petitioner, namely the real brother of the Petitioner, Mr. Dattatray Manohar Dahake, was granted the Validity Certificate pursuant to the Judgment passed by the High Court, Nagpur Bench in Writ Petition No.6342 of 2018 dated 23rd March, 2026. She further submitted that the said Mr. Dattatray Manohar Dahake was a real

brother of the Petitioner, therefore, the Petitioner should also be granted the Caste Validity Certificate. She relied upon the family tree which was duly verified by the Executive Magistrate, Amravati.

5. Learned Counsel for the Respondent-State does not dispute this position. Learned Counsel for the Respondent-State pointed out that although the family tree appears to be correct, the Caste Scrutiny Committee had rightly rejected the application for the Caste Validity Certificate and therefore there is no reason why this Court should interfere in the same and she therefore, prayed for dismissal of the Petition.

6. We have considered the arguments of the parties. We have gone through the documents available on record, more specifically, the additional affidavit which was filed by the Petitioner in this Court. The Caste claim of the Petitioner was rejected by the Caste Scrutiny Committee. Being aggrieved with the same, the Petitioner had filed a Writ Petition before the Nagpur bench of this Court. The Hon'ble Supreme Court has set aside the judgment of the Nagpur bench of this High Court and remanded the matter for fresh consideration.

7. The Petitioner's main contention is that the real brother, Mr. Dattatray Manohar Dahake, who is a close blood relative of the Petitioner, was granted a Caste Validity Certificate belonging to Thakur Scheduled Tribe by the High Court, Nagpur Bench, in Writ Petition No. 6342 of 2018 *vide* Order dated 23rd March, 2026, after considering the matter on merits. The relevant portion of the said Judgment is reproduced as under:

“(17) It would be beneficial to refer to the judgment of the Hon’ble Supreme Court in the case of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra) wherein the Hon’ble Supreme Court has held in Paragraph No. 20 as under:-

“20. It is not possible to exhaustively lay down in which cases the Scrutiny Committee must refer the case to Vigilance Cell. One of the tests is as laid down in the case of Kumari Madhuri Patil. It lays down that the documents of the pre-Constitution period showing the caste of the applicant and their ancestors have got the highest probative value. For example, if an applicant is able to produce authentic and genuine documents of the pre-Constitution period showing that he belongs to a tribal community, there is no reason to discard his claim as prior to 1950, there were no reservations provided to the Tribes included in the ST order. In such a case, a reference to Vigilance Cell is not warranted at all.”

(18) In our considered opinion, the order passed by the Respondent No. 1 - Caste Scrutiny Committee is perverse, erroneous and without application of mind, and as such, it is liable to be quashed and set aside. It has not given any consideration to the reply filed by the Petitioner wherein he has specifically pointed out that those entries of ‘Bhat’ were already corrected long back. As such, they cannot be considered for discarding the claim of the Petitioner. There are as many as eight documents of pre-independence period

filed by the Petitioner showing the tribes of his forefathers as 'Thakur', so also, there is no dispute over the family tree and relations of the Petitioner with the members in the family tree. As such, we hold that the Petitioner has duly established that he belongs to the tribe 'Thakur' which is a Scheduled Tribe.

8. This Court, in Writ Petition No.6342 of 2018, after considering the merits of the matter and relying upon the Judgment in the matter of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti V/s. State of Maharashtra and Ors.*¹ has granted the Caste Validity Certificate to the real brother of the Petitioner, namely Mr. Dattatray Manohar Dahake.

9. The facts are not disputed and the Judgment passed by this Court, Nagpur Bench, in Writ Petition No. No.6342 of 2018 has attained finality. The Caste Scrutiny Committee has thereafter granted the Caste Validity Certificate to Mr. Dattatray Manohar Dahake on 28th April 2026, which is on record.

10. In these premises, we are bound by the Judgment in the matter of *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Ors.*² since the Caste Validity Certificate is granted to Mr. Dattatray Manohar Dahake who happens to be the blood relative of the Petitioner. Hence, the following Order:

1 (2023) 16 SCC 415

2 2010 (6) MHLJ 401

ORDER

(i) Writ Petition No.9757 of 2007 is allowed.

(ii) The impugned Order dated 26th July, 2002 passed by the Respondent No.1 is quashed and set aside. The Petitioner (since deceased) is declared to belong to the Thakur Scheduled Tribe.

(iii) On the basis of such declaration, the legal heirs to make an appropriate application to the Scrutiny Committee for grant of Certificate of Validity.

11. Rule is made absolute in the aforesaid terms.

12. There shall be no order as to costs.

13. In view of above, Writ Petition No. 9757 of 2007 stands disposed of.

(SANDESH D. PATIL, J.)

(M. S. KARNIK, J.)