

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

**WRIT PETITION NO.9621 OF 2007**

Ku. Jyoti Sugdeo Tayade.

... Petitioner.

Versus

The Committee For Scrutiny And  
Verification Of Tribe Claims and Ors.

... Respondents

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Mr. R.K. Mendadkar, a/w. Ms. Priyanka Shaw, Advocate for the  
Petitioner.

Smt. Dhruti M. Kapadia, AGP for Respondent/State.

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

**DATE : 17th SEPTEMBER, 2026**

**ORAL ORDER : (Per M.S. KARNIK, J)**

1. Heard Mr. Mendadkar, learned Counsel for the Petitioner  
and Mrs. Kapadia, learned AGP for the Respondent/State.

2. The caste claim of the Petitioner as belonging to Thakur  
Schedule Tribe is invalidated by the Respondent Scrutiny  
Committee. Assailing the order of Scrutiny Committee, the learned  
Counsel for the Petitioner submitted that the Committee has  
primarily relied upon the affinity test. Further it is submitted that  
pre-constitutional documents of the Petitioner's father indicating  
caste as 'Thakur' has not been taken into consideration.

3. The learned Counsel for the Petitioner relied upon several decisions of this Court in support of his submissions as follows :

- (i) Palghat Jilla Thandan Samudhaya Samrakshna Samithi and Ors. v/s. State of Kerala and Anr.<sup>1</sup>
- (ii) Digvijay Thakur v/s. State<sup>2</sup>
- (iii) State of Maharashtra v/s. Milind & Ors.<sup>3</sup>
- (iv) Ravindra P. Khare v/s. State<sup>4</sup>
- (v) Subodh Digambar Donge v/s. State<sup>5</sup>
- (vi) Maharashtra Adiwasi Thakur Jamaat Swarakshan Samiti v/s. State<sup>6</sup>.

4. The learned AGP on the other hand supported the impugned order. It is submitted that there is no preconstitutional document on record to indicate the caste of the Petitioner as Thakur and therefore, the Scrutiny Committee relied upon the affinity test, which may be used to corroborate the documentary evidence.

5. We have perused the document at page 18 of the Petition. Said document is abstract of Kotwal book of Village Nimgaon in which the male child 'Sugdeo' is shown to be born to Pundlik

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1 (1994) 1 SCC 359.  
 2 WP No. 3116 of 1996 dated 19.6.1996.  
 3 (2001) SCC 4.  
 4 2012(4) MH.L.J.406.  
 5 (2020) 1 BCR 210.  
 6 2023 SCC OnLine SC 326.

Tukaram Thakur on 7/10/1943. Sugdeo is the Petitioner's father. The Petitioner has placed reliance on a post constitutional document being the xerox copy of the school transfer certificate in respect of the Petitioner's father where the caste is recorded as Thakur. The Petitioner's father was admitted to the school on 14/10/1954.

6. A perusal of the impugned order indicates that the Scrutiny Committee has heavily relied upon the affinity test while invalidating the caste claim of Petitioner. The Hon'ble Supreme Court has held that the affinity test may be used to corroborate the documentary evidence, but should not be the sole criteria to reject the caste claim. No doubt in the village extract relied upon by the Petitioner indicated above, the caste is not indicated. The name is indicated as Pundalik Tukaram Thakur. However, xerox copy of the school transfer certificate in respect of the Petitioner's father, the caste is recorded as Thakur. The Scrutiny Committee has brushed aside the said document. There is hardly any reason given by the Committee as to why the said document alongwith other documentary evidence stand discarded. Moreover, as indicated earlier, the caste claim has been invalidated mainly in

view of the affinity test.

7. The impugned order dated 25/6/2004 passed by the Respondent Scrutiny Committee is therefore, quashed and set aside. The matter is remanded back to the Respondent No. 1 Committee for considering the caste claim of the Petitioner afresh on merits and in accordance with law. We direct the Petitioner to appear before the Respondent No. 1 on 5<sup>th</sup> October, 2026 at 11 a.m. alongwith copy of this order and necessary documents. The caste claim of the Petitioner be adjudicated expeditiously, preferably within a period of 4 months from the date of appearance. All contentions on merits are kept open.

8. Rule is made partly absolute with no order as to cost. The Writ Petition is disposed of.

**(SANDESH D. PATIL, J.)**

**(M. S. KARNIK, J.)**