



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

WRIT PETITION NO.10000 OF 2013

Smt. Manisha d/o Jagannath Rajwade,
Age-44 years, Occ. Lower Division Clerk/Typist,
R/o-“Renuka”, Madhumangal Colony,
Dindori Road, Opp: Reliance Fresh,
Post-Meri Colony, Nashik-4.

... Petitioner

Versus

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai-32.
Through its Secretary.

(Copy to be served on the Government
Pleader, High Court of Bombay,
Bench at Aurangabad)
2. The Scheduled Tribe Certificate Scrutiny
Committee, Nashik Division,
Gadkari Chowk, 2nd Floor, Adiwasi Vikas
Bhawan, Nashik-422 002
Through its Member Secretary.
3. The Sub Divisional Magistrate,
Nashik City Division, Nashik.
4. The Superintending Engineer (Urban Circle),
Maharashtra State Electricity Distribution
Co. Ltd., Nashik Urban Circle,
Prosper Park, Shingada Talav,
Nashik-Pune Road, Nashik-1.
5. The Executive Engineer,
Maharashtra State Electricity Distribution Co.
Ltd., City Division No.2, Nashik Road

.... Respondents

Adv. R. K. Mendadkar a/w Adv. Jagadish C. Kawale, Adv. Jayshri Mendadkar, for the Petitioner.

Mr. N. C. Walimbe, Addl.G.P a/w Mr. V. G. Badgujar, AGP, for the Respondent-State.

Adv. A.R.S. Baxi, for Respondent No.4.

**CORAM : M. S. KARNIK &
S. M. MODAK, JJ.**

DATE : 6th FEBRUARY, 2026

ORAL JUDGMENT (PER M. S. KARNIK, J.) :

1. Heard learned counsel for the parties.
2. The caste certificate of the Petitioner as belonging to the 'Thakur, Scheduled Tribe' issued on 26th August 1986 is invalidated by the Respondent No.2-Scrutiny Committee by the impugned order dated 7th October 2013.
3. The school record of the grandfather of the Petitioner from the paternal side shows his duly recorded tribe as 'Thakur'. This certificate is dated 26th April 1922. Further, the school record of the father of the Petitioner describes his tribe as 'Thakur'. The school record of the Petitioner's father dates back to 19th July 1947. By the Constitution (Scheduled Tribe) Order, 1950 'Thakur' is recognised as a Scheduled Tribe throughout the State of Maharashtra. These documents relied upon by the Petitioner have great probative value, being pre-constitutional documents.

4. It is pertinent to note that the Respondent No.2-Scrutiny Committee granted a certificate of validity to the real sister of the Petitioner viz. Rajshree Jagannath Rajwade on 20th November 2002. The Scrutiny Committee has also granted a certificate of validity to the real brother of the Petitioner viz. Tushar Jagannath Rajwade on 22nd June 2001.

5. While granting the certificate of validity to Rajshree the Scrutiny Committee has observed thus :-

“ The case of Smt. Rajshree Jagannath Rajwade has been remanded back by the Hon’ble High Court of Judicature at Bombay vide order in Writ Petition quoted in the preamble at Sr. No.(5) above for verification of her tribe claim.

WHEREAS after gone through the documents, facts and replies given by the applicant and considering the various orders passed by the Hon’ble High Court of Judicature at Mumbai in W.P. No.2746/98, 5454/98, 856/98 and the order of the Hon’ble High Court of Judicature at Bombay bench at Aurangabad in W.P. No.4123 of 1999, the Caste Certificate of Smt. Rajshree Jagannath Rajwade as belonging to Thakur, Sheculud Tribe bearing No.POL/II/SR/33/82 dated 18.8.1982 issued by the Sub Divisional Magistrate, Nasik City, Nasik is held valid.

This decision is applicable in this case only.”

6. Likewise, so far as Tushar is concerned the Scrutiny Committee while granting the validity certificate has observed thus :-

“WHEREAS after gone through the documents, facts and replies given by the applicant and considering the various orders passed by the Hon’ble High Court of Judicature at

Mumbai in W.P. No.2746/98, 5454/98, 856/98, the Caste Certificate of Shri Tushar Jagannath Rajwade bearing No.POL/II/SR/101/1986 dated 22.9.1986 issued by the Sub Divisional Magistrate, Nasik City Division, Nasik as belonging to Thakur, Scheduled Tribe is held valid.”

7. Mr. Walimbe, learned Additional Government Pleader on behalf of the Respondents supported the impugned order. Our attention is invited to the detailed affidavit-in-reply filed by the Respondents as well as the reasons in the impugned order in which, according to the learned Additional Government Pleader, for cogent reasons, the materials relied upon by the Petitioner have been discarded.

8. Having carefully perused the impugned order as well as the affidavit-in-reply, we find that the Scrutiny Committee while discarding the caste validity certificates of the real brother and sister of the Petitioner relied upon, observed that the decisions of this Court relied by the then Scrutiny Committee, was not in consonance with the law laid down by the Hon'ble Supreme Court. It is therefore seen that the Scrutiny Committee re-examined the decision of the then Scrutiny Committee, virtually sitting in appeal over the decision.

9. Moreover, we find that the then Scrutiny Committee, on the basis of the documents, the materials on record and after

relying upon the decisions mentioned therein was satisfied that the tribe claim of the real sister and brother of the Petitioner deserves to be validated. The issuance of the certificates to the blood relatives was after considering the materials and recording a subjective satisfaction after following the due procedure. In our opinion, the Scrutiny Committee, which passed the impugned order, could not have sat in appeal over the decision of the then Scrutiny Committee which issued the certificates of validity to the real brother and sister of the Petitioner. It is not the case of the Respondents that the said validity certificates to close blood relatives were issued without holding a Vigilance Cell enquiry. There is no dispute that the caste validity certificates issued to the brother and sister of the Petitioner are genuine documents. The relationship of the Petitioner with the holders of such certificates of validity is not disputed, and further the certificate was issued after following the due procedure.

10. Further, we find that no show cause notice has been issued to the real sister and brother of the Petitioner and the certificates of validity issued to them are valid and subsisting. In the context of a situation where a claim is made for issuance of the

certificate of validity on the basis that close blood relatives have been issued the certificates of validity, the Hon'ble Supreme Court in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra and Others**¹ has laid down the following three essential prerequisites.

(i) The applicant must establish a clear and specific relationship with the person in whose favour the validity certificate has been issued;

(ii) The Scrutiny Committee must verify whether the validity certificate was granted to the applicant's blood relative after due enquiry and in accordance with prescribed procedure; and

(iii) The Scrutiny Committee must ascertain the genuineness of the validity certificate relied upon.

11. Further, this Court in **Apoorva d/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and others**² has in paragraph 4 observed thus :-

“4. We have considered the matter and we are of the view that the petitioner's caste claim that she belongs to Kanjar Bhat-Nomadic Tribe ought to have been accepted by the Committee merely on the basis that identical caste claim of her sister that she belongs to Kanjar Bhat has been allowed by the Committee, even apart from the Government Resolution. We are of the opinion that the guidelines provided by the said Govt. Resolution are sound and based on sound principles. It would indeed be chaotic otherwise. If the relationship by blood is established or not doubted, and one such relative has been

1 (2023) 16 SCC 415

2 2010(6) Mh.L.J. 401

confirmed as belonging to a particular caste, there is no reason why public time or money should be spent in the committee testing the same evidence and making the same conclusion unless of course the Committee finds on the evidence that the validity of the certificate of such relation has been obtained by fraud.”

12. We find that the aforesaid decisions squarely cover the Petitioner’s case.

13. The other reason why the Scrutiny Committee has invalidated the tribe claim is the affinity test. The Hon’ble Supreme Court in *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti* (supra) has held that affinity test is neither a litmus test nor a determinative test. The documents on record and especially if the same are pre-constitutional documents have a much higher probative value. This ground on which the caste claim is invalidated is therefore unsustainable.

14. The rejection of the tribe claim on the ground of area restrictions is again untenable in view of the decision of this Court in **Motilal Namdev Pawar vs. Scheduled Tribe Certificate Scrutiny Committee Through its Member Secretary and Others**³ (paragraph 23 to 29) which has removed the area restrictions.

3 2017 SCC OnLine Bom 9778

15. At the cost of repetition, these are pre-constitutional documents in support of Petitioner's claim having a higher probative value. The Scrutiny Committee does not doubt the genuineness of these documents/extracts. In such view of the matter, we are of the opinion that the order passed by the Scrutiny Committee cannot be sustained.

16. The impugned order is quashed and set aside.

17. The Scrutiny Committee is directed to issue certificate of validity to the Petitioner as belonging to the 'Thakur, Scheduled Tribe' within a period of six weeks from the date of communication of this order.

18. The Writ Petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)