

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

WRIT PETITION NO. 10436 OF 2010

Smt. Monika d/o Satish Thakur]
Age-23 years, Occupation-Student,]
R/o 8-B, Santoshi Mata Colony,]
Nakane Road, Deopur, Dhule,]
District-Dhule.].....Petitioner

Versus

1. State of Maharashtra]
Department of Tribal Development,]
Mantralaya, Mumbai-32.]
Through its Secretary]
]]
2. The Scheduled Tribe Certificate Scrutiny]
Committee, Nandurbar Division, Nandurbar,]
Through its Member Secretary.]
]]
3. The Sub Divisional Officer,]
Dhule Division, Dhule, District-Dhule.].....Respondents

.....

Mr. Sahil Choudhari h/f Mr. Sushant Yeramvar, for the Petitioner.

Mr. R. M. Shinde, A.G.P, for the Respondent-State.

.....

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

RESERVED ON : 24th SEPTEMBER 2026

PRONOUNCED ON : 08th OCTOBER 2026

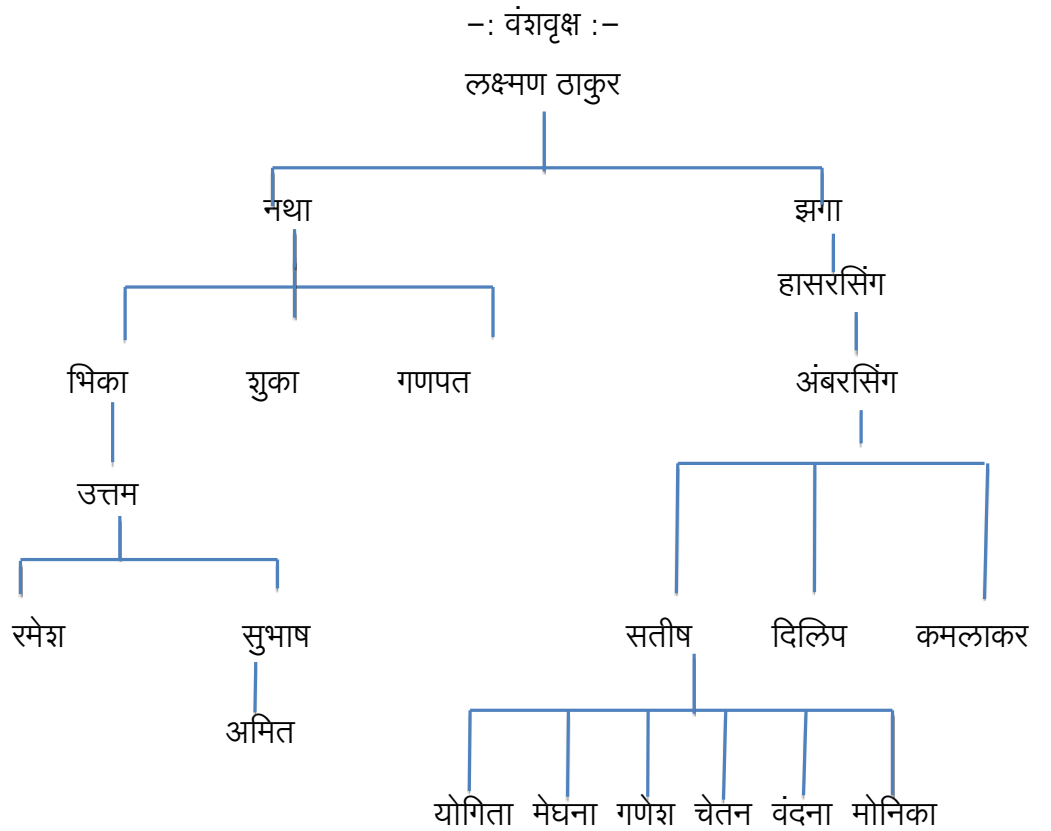
JUDGMENT [PER SANDESH D. PATIL, J.] :-

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 is challenging the Judgment and Order dated 24th June, 2010 passed by the Respondent No.2- The Scheduled Tribe Certificate Scrutiny Committee, Nandurbar Division, Nandurbar. The Petitioner had on 31st May, 2000 obtained Caste Certificate as belonging to 'Thakur Scheduled Tribe' from the Sub-Divisional Officer, Dhule. The said tribe claim of the Petitioner was referred to the Respondent No.2-Committee along with documentary evidence since 1935. The Committee on 24th June, 2010 had invalidated the tribe claim of the Petitioner on the ground that the Petitioner failed to prove the affinity test. The Petitioner had challenged the said Order passed by the Respondent No.2-Committee by way of preferring Writ Petition before this Court. That Writ Petition No.10123 of 2010 was dismissed by an Order dated 4th May, 2018 thereby confirming the Order passed of the Scrutiny Committee only on the ground of affinity test. The Order passed by this Court was challenged before the Hon'ble Supreme Court by way of filing Civil Appeal No.2536-2537 of 2022. The Hon'ble Supreme Court vide a judgment and order dated 12th December, 2025 quashed and set aside the order passed by this Court and remanded the matter back to this Court to decide the same

afresh in view of the law laid down by the Hon'ble Supreme Court in the case of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti V/s. State of Maharashtra and Ors.*¹.

3. The Petitioner claims to be the daughter of Satishchandra Ambarsing Thakur. Laxman Thakur is the common ancestor of the Petitioner and Vishal Subhash Thakur. The Petitioner is descending through the branch of Jhaga and Vishal is descending through the branch of Natha. The family tree of the Petitioner as submitted by her is reproduced for convenience, purpose, as under.



¹ (2023) SCC OnLine SC 326

4. The Petitioner and Vishal Subhash Thakur are blood relatives, they are descending from the same common ancestor-Laxman Thakur. The contention of the Petitioner is that this Court while deciding in the matter of *Vishal Subhash Thakur, Vs. State of Maharashtra in Writ Petition No.3020 of 2006* had set aside the Order passed by the Caste Scrutiny Committee and had granted, Caste Validity Certificate to said Vishal Subhash Thakur.

5. Learned Counsel for the Respondents opposes grant of any relief and submits that the impugned Judgment and Order passed by the Caste Scrutiny Committee is correctly passed. He submits that the Petitioner has miserably failed the affinity test.

6. We have heard the learned Counsel appearing for the parties. We have perused the documents relied upon by the parties.

7. The claim of the Petitioner is that the Petitioner is the cousin sister of one Mr. Vishal Subhash Thakur. The Petitioner has filed an additional affidavit before this Court on 5th January 2026, thereby stating that this Court in the matter of *Vishal Subhash Thakur Vs. State of Maharashtra in Writ Petition No.3020 of 2006* had granted

Caste Validity Certificate to said Vishal Subhash Thakur. The Petitioner claims that the, said Vishal Thakur is the third degree cousin of her father.

8. We have heard this matter at length on 10th September 2026 and closed the matter for pronouncement of judgment on 24th September 2026. On this day, we found that the Petitioner had not given the genealogy explaining her relation with Vishal Subhash Thakur. We therefore, on 24th September 2026 had kept the matter for directions. During the hearing, we had directed the Petitioner to submit a genealogy tree, which the Petitioner has submitted, and which is mentioned as above. On perusal of the said family tree, it is clear that the name of Vishal Subhash Thakur is not appearing in the said family tree. So also, it is not clear as to whether the same was verified by the Committee. In these premises, we feel it appropriate to remand the matter back to the Committee in order to consider the genealogy of the Petitioner.

9. The only ground on which the Caste Validity Certificate is rejected by the Caste Scrutiny Committee, is that the Petitioner has

not withstood the affinity test. The Hon'ble Supreme Court in the matter of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti V/s. State of Maharashtra and Ors. (supra)* has considered this aspect. The Hon'ble Supreme Court had held that the affinity test is not a litmus test and that when there are other documents to support the caste claim, then the said documents ought to have given importance. Our attention is invited to the judgment of this Court in *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Ors.*².

10. In the present case, the contention of the Petitioner is that her close relative, namely Vishal Subhash Thakur was granted Caste Validity Certificate and hence she also should be granted Caste Validity Certificate. It is not disputed by the learned Counsel appearing for the Respondents that Vishal Subhash Thakur has been granted the said Caste Validity Certificate. However, the Petitioner's relation with the said Vishal Subhash Thakur has to be established. The family tree/ genealogy which is relied by the Petitioner does not bear the name of said Vishal. In these circumstances, since the family

² 2010 (6) MHLJ 401

tree/ genealogy of the Petitioner is now produced, an opportunity needs to be given to the Petitioner to establish his relation with Vishal before the Scrutiny Committee. Hence, the following Order:

ORDER

- (i) The impugned Order dated 24th June, 2010 passed by the Respondent No.2- The Scheduled Tribe Certificate Scrutiny Committee, Nandurbar Division, Nandurbar is quashed and set aside.
- (ii) The matter is remanded to the Respondent No.2- The Scheduled Tribe Certificate Scrutiny Committee, Nandurbar Division, Nandurbar Division to examine the same especially after taking into consideration the genealogy of the Petitioner.
- (iii) The Petitioner to appear before the Respondent No.2- Scrutiny Committee on 14th October, 2026 at 11:00 a.m.
- (iv) The Scrutiny Committee shall make an endeavour to decide the caste claim expeditiously within a period of four months from 14th October, 2026.
- (v) All contentions of the parties are kept open.

10. Rule is made absolute in the aforesaid terms.

11. In view of above, Writ Petition No. 10436 of 2010 stands disposed of.

(SANDESH D. PATIL, J.)

(M. S. KARNIK, J.)