

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6071 OF 2015

Jitendra Arun Thakur
Age: 27 years, Occu.: Service,
R/o Narwel, Tq. Muktainagar,
Dist. Jalgaon.
At present R/o Dr. Jakir Husain Colony,
Plot no. 20B, Gat No.453, Jalgaon,
Tq. & Dist. Jalgaon.

..PETITIONER

VERSUS

1. Education Officer (Primary)
Zilla Parishad, Jalgaon,
Dist. Jalgaon.
2. Scheduled Tribe Certificate Scrutiny
Committee, Nandurbar Region,
Nandurbar.
Through its Member Secretary.
3. Dnyanopasak Shikshan Prasarak Mandal, Jalgaon
Office Address : Tryambak Nagar
Primary School, Jalgaon,
Near Mahabal Jalgaon, Dist. Jalgaon
Through its Chairman/Secretary.
4. Tryambak Nagar Primary School,
Jalgaon, Near Mahabal, Jalgaon,
Dist. Jalgaon
Through its Head Master.

..RESPONDENTS

**WITH
WRIT PETITION NO. 6089 OF 2015**

Nikhil Arun Thakur
Age: 21 years, Occu.: Education,

R/o Dr. Jakir Husain Colony,
Plot no. 20B, Gat No.453, Jalgaon,
Tq. & Dist. Jalgaon.

..PETITIONER

VERSUS

1. Scheduled Tribe Certificate Scrutiny
Committee, Nandurbar Region,
Nandurbar.
Through its Member Secretary.
2. University of Pune,
Ganesh Khind, Pune.
Through its Registrar.
3. MIT College of Engineering, Pune
S. No. 124, MIT Engineering
College Campus, Ex-Serviceman Colony,
Paud Road, Kothrud, Pune – 411 038.
Through its Principal

..RESPONDENTS

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Mr. M.S. Deshmukh, Advocate for petitioners.
Mr. S.G. Karlekar, A.G.P. for respondent - State.

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.
DATED : 06th DECEMBER, 2018**

ORAL JUDGMENT : (Per : S.V. GANGAPURWALA, J.)

Rule, made returnable forthwith. With consent of the learned
Counsel for both sides, heard finally.

2. The caste claims of the petitioners “Thakur” have been

invalidated by the common judgment by the Scrutiny Committee. Aggrieved thereby, the present writ petitions.

3. Mr. Deshmukh, the learned Counsel for the petitioners submits that the school record of the petitioners, their father, uncle and great grandfather shows caste as “Thakur”. The service book of the petitioner's father records caste as “Thakur S.C.” The entry in the school leaving certificate of the great grandfather of the petitioner viz. Shiva Sakharam Thakur dated 05th June, 1917 records caste as Thakur. The committee has found the vigilance report in favour of the petitioner, still the committee invalidated the caste claim. The real paternal cousin i.e. the son of the real uncle of the petitioner viz. Mukesh Pralhad Thakur has been issued with validity certificate of Thakur S.C. after receipt of the vigilance report. According to the learned Counsel, the committee has erroneously relied on the invalidation of caste claim of one Sanjay Kantilal Chavan (MLA). He is not the blood relative of the petitioner. The relation from maternal side is not relevant. According to the learned Counsel, there is no contra evidence on record, still the claim has been invalidated.

4. The learned A.G.P. submits that the petitioner could not prove

the affinity test to prove that the petitioner belongs to Thakur caste. The old entries did not record the caste as “Thakur S.C.”. It only records the caste as “Thakur” or “Hindu Thakur”. The learned A.G.P. submits that as the petitioner could not prove the affinity test, nor the document records the caste as “Thakur S.C.”, the committee has not committed any error and has rightly rejected the claim of the petitioner.

5. We have gone through the judgment delivered by the committee so also the record. The documents placed on record i.e. the school leaving certificate of the real cousin of the petitioner viz. Mukesh Pralhad Thakur records the caste as “Thakur S.C.” The service book of the father of the petitioner records the caste as “Hindu Thakur”. Even the school record of the great grandfather of the petitioner viz. Shiva Sakharam Thakur records caste as “Thakur”. The said document is dated 05th June, 1917. The real paternal cousin viz. Mukesh Pralhad Thakur, the son of the real uncle of the petitioner has been issued with validity certificate of “Thakur S.C.” after conducting vigilance. The validity test would not be the sole criteria. The affinity test can be corroborative piece of evidence as held in the case of *Anand Vs. Committee for Scrutiny and Verification of Tribe Claims* reported in 2012 (1) SCC 113.

6. In light of the above, the impugned judgment and order is quashed and set aside. The committee shall issue validity certificate of “Thakur S.C.” within six weeks. Rule made absolute in above terms. Writ petition is disposed of. No costs.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

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