



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3470/2022

Shri Sandip Ashok More,
aged 46 Yrs., Occ. Service,
R/o Near Sitamata Mandir,
Old City, Akola.

... Petitioner

- Versus -

1. State of Maharashtra,
through its Secretary,
Department of Social Justice
and Empowerment Mantralaya,
Mumbai.
2. Scheduled Tribe Certificate
Scrutiny Committee, Amravati
Division Amravati, through its
Chairman.
3. Chief Executive Officer,
Zilla Parishad, Akola.
4. The Education Officer (Primary),
Zilla Parishad, Akola.

... Respondents

Mr. P.S. Khubalkar, Counsel for the Petitioner.
Mr. Nitin Autkar, A.G.P. for Respondent Nos.1 and 2.
Mr. U.J. Deshpande, Counsel for respondent Nos.3 and 4.

CORAM :- SMT. ANUJA PRABHUDESAI &
MRS. VRUSHALI V. JOSHI, JJ.

DATED :- 18.12.2023

JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith. Heard
finally by consent of the learned counsel for the parties.

2. The petitioner has challenged the order dated 26.4.2022 passed by the Caste Scrutiny Committee invalidating the caste claim of the petitioner. The petitioner claims that he belongs to “Thakur” (Scheduled Tribe). He is working as Assistant Teacher. He was appointed as Assistant Teacher on 25.7.1997 as Scheduled Tribe candidate. In May 2012 about 15 years from the date of his appointment, the respondent No.3 referred the petitioner’s caste claim for verification to the Caste Scrutiny Committee, Amravati. In the year 2013 the Committee passed an order presuming that there is no entry in petitioner’s caste certificate in the Wargawari Register of the year 1991-1992 and hence, observed that said certificate was not issued by the competent authority. On the basis of this inference, final order dated 5.9.2013 was passed on the petitioner’s caste claim and the claim was invalidated.

3. The petitioner had challenged the said order before this Court in Writ Petition No.6034/2013. This Court set aside

the order passed by the Scrutiny Committee and remanded the matter for a fresh adjudication.

4. The petitioner has submitted in all 69 documents in which the caste “Thakur” is mentioned. He has submitted the document dated 19.12.1930, which is an extract of school leaving register of Murlidhar Suryabhan, the grand-father of the petitioner, wherein caste of Suryabhan is shown as “Thakur”. The Scrutiny Committee, relied upon another document of Suryabhan of the year 1930, where the caste is mentioned as “K Thakur” and on the basis of the said document and the affinity test rejected the claim of the petitioner. Being aggrieved by this order, the petitioner has filed this petition.

5. The Scrutiny Committee has filed reply and stated that in vigilance enquiry of various “Thakur” tribe claim cases, record reveals entries such as Bhat, Brahmabhat, Rajput, Pardeshi, Ahir, Gawali, Sobansi “Thakur”, Marathe etc., who are non-tribals and are of Thakur community which is other than

Scheduled Tribe. It is stated that persons belonging to open class “Thakur” are trying to secure benefits of Scheduled Tribe only on the basis of old “Thakur” documents. Persons belonging to “Thakur” (Scheduled Tribe) reside only in the villages and Talukas of Thane District, Kulabla District, Nashik (only in Nashik Taluka), Pune and Ahmadnagar. The residence of “Thakur” (Scheduled Tribe) has not been traced in District Amravati. It is alleged that the grounds raised by the petitioner to assail the impugned order of the Committee are entirely misconceived, devoid of substance and merit. The petition is, therefore, liable to be dismissed.

6. Heard both sides. Perused the record.

7. The petitioner has filed 69 documents to prove that he belongs to “Thakur” (Scheduled Tribe). The Scrutiny Committee has invalidated the caste claim solely on the basis of document of year 1930 of Suryabhan, where the caste is mentioned as “K Thakur”. The document of the same year i.e.

of year 1923, shows the caste of Suryabhan as “Thakur”. The caste Scrutiny Committee has not assigned any reasons for not relying upon the said document and further in rejecting all other pre-independence documents, which show the caste of the petitioner’s forefathers as “Thakur”.

8. In the case of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti V/s. State of Maharashtra and others reported in **2023(2) Mh.L.J. 785**, the Apex Court has held that report of the Vigilance Cell cannot be treated as a litmus test. The entire material on record has to be considered while verifying the tribe claim of a candidate.

9. Since the pre-constitutional documents produced by the petitioner prove that the petitioner belongs to “Thakur” (Scheduled Tribe) the order passed by the Scrutiny Committee is set aside. The Scrutiny Committee shall issue validity certificate of “Thakur” (Scheduled Tribe) to the petitioner within a period of six weeks from the date of this judgment.

Rule is made absolute in the above terms. There shall be no orders as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(SMT. ANUJA PRABHUDESAI, J.)

Tambaskar.