



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

WRIT PETITION NO.3569 OF 2024

Swapnil Shivaji Bagul,
Age 39 years, Occ. Education,
R/o 23, Surekha Niwas,
Gajanan Housing Society,
At West Side GTB, Deopur, Dhule ... **PETITIONER**

VERSUS

1. The State of Maharashtra
Through Education Department,
Mantralaya, Mumbai
2. The Deputy Director,
Caste Scrutiny Committee, Dhule,
having office at Deopur,
Tal. and Dist. Dhule
3. The Secretary,
Adivasi Nakur Varg Thakur and
Thakur Samaj Utkarsh Sanstha,
Maharashtra State, Thane Office
at Valivare, Post Morshi,
Tal. Murud, Dist. Thane ... **RESPONDENTS**

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Mr. M.R. Wagh, Advocate for Petitioner
Mr. P.K. Lakhotiya, A.G.P. for State
Mr. R.W. Bagul, Advocate for Respondent No.3.
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 11th JUNE, 2025

ORAL JUDGMENT (PER : NEERAJ P. DHOTE, J.) :

Rule. Rule made returnable forthwith. Taken up for final hearing with the consent of learned Advocates for the parties.

2. The Petitioner is a student of Bachelor of Engineering from S.S.V.P.S. College, Dhule. The Petitioner claims to belong to Thakur – Scheduled tribe. His claim towards the said tribe was referred to the Respondent No.2 Committee for validity. After considering the Vigilance Cell report and the documents available on record, the Respondent No.2, by the impugned order dated 14/11/2022, invalidated the Petitioner's claim of Thakur – Scheduled Tribe.

3. It is submitted by learned Advocate for the Petitioner that, there was old document of 1882 showing the caste "Thakur" of the great-great-great grandfather of the Petitioner. He submitted that, though the said document was available with the Respondent No.2 Committee along with his reply, the Respondent No.2 did not consider the same. He submits that, the Petitioner's real uncle by name Ranjeet

Vasantrao Bagul and cousin uncle Madanlal Mishrilal Bagul are given validity certificates towards “Thakur” – Scheduled Tribe by the concerned Committee. He submits that, considering the documents on record, the Respondent No.2 ought not to have invalidated his tribe claim. He submits that, this petition may be allowed.

4. The Writ Petition is vehemently opposed by the learned A.G.P. appearing for Respondent No.1 and 2. He submits that, the validity given to the real uncle and cousin uncle of the Petitioner have been reopened by the Respondent No.2. No revenue record was considered at all while issuing the validity certificates to the said uncles of the Petitioner. He submits that, no proper vigilance enquiry was conducted at that point of time while considering the cases of the said uncles of the Petitioner. He submits that, though there is entry of 1882 of Thakur of great-great-great grandfather of the Petitioner, the record of Respondent No.2 Committee shows contra entries of the said great-great-great grandfather of the Petitioner and also of blood relations of the Petitioner, “Bhat”. He submits that, considering this material on record, the

Respondent No.2 Committee was justified in rejecting the claim of the Petitioner. He submits that, no interference is called for in the impugned order and the petition may be dismissed. He submits that, the tribe claims of Thakur of the cousin of the Petitioner namely Pallavi Yashwant, Bhushan Yashwant, Bhavana Yashwant, Siddhant Yashwant have been rejected by the Respondent No.2 Committee.

5. The petition is also opposed by the learned Advocate for Respondent No.3, who is the Secretary of the Adivasi Nokarvarg – Thakur. He submits that, the Committee has rightly considered the material available on record and, therefore, no interference is called for in the impugned order. He supports the contentions made by learned A.G.P. appearing for Respondent No.1 and 2.

6. We have gone through the papers on record and also the original file of the Respondent No.2 Committee. There is Genealogy which was before the Respondent No.2 Committee, wherein Ramchandra Maharua is shown as common ancestor. The said Genealogy shows that, Ranjeet was son of Vasant; Kisan was son of Ramchandra. The said

Genealogy also shows the name of Madanlal, who was son of Mishrilal, who was the son of Kisan. This goes to show that, the said Vasant and Mishrilal are from blood relations of the Petitioner. There is no dispute that, the said uncles, are issued validity towards "Thakur" – Scheduled Tribe by the Scrutiny Committee which are reopened by the Respondent No.2 Committee. The record of the Respondent No.2 Committee shows that, the entry of 1882 in the revenue record of the concerned villages shows the name of Ramchandra Maharuru Thakur. The impugned order does not show that the Committee has considered the said document. Considering the validities in the blood relation, the Petitioner is entitled for the conditional validity towards Thakur – Scheduled Tribe. Hence, we proceed to pass the following order :

ORDER

- (i) The Writ Petition is partly allowed.
- (ii) The impugned order dated 14/11/2022, passed by the Respondent No.2 – Scrutiny Committee is quashed and set aside.
- (iii) The Respondent No.2 - Scrutiny Committee shall

issue the Tribe Validity Certificate in favour of the Petitioner as belonging to Thakur – Scheduled Tribe. The said validity shall be conditional, subject to the decision to be taken by the Respondent No.2 – Scrutiny Committee in the reopened cases of Ranjeet Vasant Bagul and Madanlal Mishrilal Bagul.

- (iv) The Respondent No.2 – Scrutiny Committee shall issue Certificate of Validity to the Petitioner in the prescribed format without putting up any additional endorsement thereon.
- (v) The Petitioner and their blood relations shall co-operate the Respondent No.2 – Scrutiny Committee in early decision of the reopened matters.
- (vi) The Petitioner shall not be entitled to claim equities.
- (vii) Writ Petition stands disposed of accordingly.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-