



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

921 WRIT PETITION NO. 10846 OF 2025

Yogeshwari Ashok Deore And Another

VERSUS

The State Of Maharashtra Through Tribal Department And Others

...

Mr. Mukulanand R. Wagh, Advocate for the Petitioner

Mr. D. S. Jape, AGP for Respondents/State

Mr. S. G. Karlekar, Advocate for Respondent No. 4

...

WITH

WRIT PETITION NO. 3314 OF 2023

Ashok Nathu Deore

VERSUS

The State Of Maharashtra Through Its Secretary And Others

...

Mr. Mukulanand R. Wagh, Advocate for the Petitioner

Mr. D. S. Jape, AGP for Respondents/State

Mr. Vikas D. Jadhav, Advocate for Respondent No. 5

...

CORAM : R. G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.

DATED : SEPTEMBER 30, 2025

P.C.:

1. Heard.

2. Both petitions are taken up together since they are interconnected. The petitioners in Writ Petition No.10846 of 2025 are the children of the petitioner-Ashok in Writ Petition No.3314 of 2025. The petitioners claim to have belonged to 'Thakur', Scheduled Tribe. Their Tribe Certificates have been invalidated by the Scrutiny

Committee and therefore they are before us in these Writ Petitions.

3. The main reason for turning down the claim of the petitioners is that of inconsistent entries such as 'Thakur' and 'Brahmbhatt' in the school and revenue record of their forefathers. Moreover, the father's claim has been rejected on the ground of he has suppressed the fact of invalidation of the claim of his brother.

4. Learned Advocate for the petitioners would submit that the oldest entry in the school record of the petitioners' forefather is of the year 1917 which is his school admission register, wherein he was shown to have belonged to 'Thakur', Scheduled Tribe. According to him, the subsequent few contra entries would therefore have no relevance. He would further submit that neither Vigilance Cell nor the Scrutiny Committee deny the genuineness of the school entry of 1917 which was the oldest one and has much more probative value than the subsequent contra entries. According to him, the father was not in the know of the invalidation of his brother's claim. Even otherwise when the evidence on record vouch for their tribe claim, the Scrutiny Committee was not justified in turning down the same merely on the ground of suppression of invalidation of the claim of his brother.

5. The learned AGP reiterated the reason given by the Scrutiny Committee in support of the impugned orders. She has also adverted to the subsequent school record wherein the forefathers of the petitioners are shown to have belonged to Hindu, 'Brahmbhatt'. She urged for dismissal of both the Writ Petitions.

6. We have considered the submissions advanced by the learned Counsel for the petitioners and learned AGP. It is not in dispute that the oldest entry is of 26.07.1917, wherein great grandfather of the petitioners has been shown to have belonged to 'Thakur' community. Genuineness of this document is not in dispute.

7. We have perused the original file of petitioner-Ashok, wherein we came across an entry of the birth of the great grandfather of the petitioners namely, Vana Lakdu Thakur. His caste therein has been shown as 'Thakur'. This piece of evidence reinforces the claim of the petitioners except subsequent few entries indicating them to have belonged to Hindu, 'Brahmbhatt'. There is nothing substantial to doubt the genuineness of the earlier documents which have been referred to hereinabove. In our view the Scrutiny Committee ought to have given due weightage and importance to the school and birth register entries of the great grandfather of the petitioners namely, Vana Lakdu Thakur

to grant petitioners validity certificates.

8. In this view of the matter, we do not propose to delve at length on the point as to whether the scrutiny committee was justified in turning down the petitioner-Ashok's claim solely on the ground of suppression of invalidation of his brother. Suffice it to say the material on record vouch for the claim of the petitioners that they belonged to 'Thakur', Scheduled Tribe. In the result, the petition succeed. Hence the following order :-

:: ORDER ::

- i. Both Writ Petitions are allowed.
- ii. The impugned orders therein are hereby quashed and set aside.
- iii. The scrutiny committee shall issue the petitioner's validity certificate of Thakur Scheduled Tribe forthwith.
- iv. Writ Petitions disposed of.

[ABASAHEB D. SHINDE, J.]

[R. G. AVACHAT, J.]