



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

933 WRIT PETITION NO. 4220 OF 2008

BHUSHAN VASANT PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for the Petitioner : Mr.A.S. Golegoankar
AGP for Respondent/State : Mr.G.A. Kulkarni
Advocate for respondent no.4 : Mr. N.T. Bhagat h/f Mr. A.G. Talhar
...

**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL-JADHAV, JJ.**

DATED : 27th NOVEMBER, 2025.

ORDER :

. This petition challenges the order of Scrutiny Committee dated 30.01.2008, by which the tribe claim of the petitioner as belonging to Thakur, Scheduled Tribe is rejected by the Committee.

2. We have heard learned Advocate for the petitioner and learned A.G.P for the Committee. We have perused the original record produced by the learned A.G.P

3. Petitioner has not produced genealogy before the Scrutiny Committee. So also the petitioner has now tendered old documents of his blood relations of the year 1922 onwards, which have better probative value. However, those were not placed before the Committee as according to the petitioner, they were not available at that point of time. The Committee has rejected the tribe claim of the petitioner on the ground of failure on the part of petitioner to pass affinity test and

area restrictions.

4. In view of subsequent decisions of this Court and the Apex Court in the case of *Anand Vs. Committee for Scrutiny and Verification of Tribe Claims and others, (2012) 1 SCC 113 and Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and Ors, 2023 SCC Online SC 326*, affinity test is no more held to be a *litmus* test.

5. After issuance of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, the area restrictions are lifted.

6. In view of the above, the following order :-

ORDER

- (i) Writ Petition is partly allowed.
- (ii) The impugned order of the Committee is hereby quashed and set aside.
- (iii) The matter is remanded back to the Committee for consideration afresh.
- (iv) The petitioner to appear before the Committee on 5th December, 2025.
- (v) Petitioner is permitted to rely upon the old documents of his blood relations and should submit genealogy before the Committee.
- (vi) The Committee shall verify the claim of the petitioner by keeping in mind the principles laid down in the above noted judgments.
- (vii) The Committee shall complete the exercise within four months from the date of receipt of this order.

(viii) Till the Committee decides Tribe Claim of the petitioner, respondent nos.3 and 4 shall not take any coercive action against the petitioner.

(VAISHALI PATIL-JADHAV,J.)

(NITIN B. SURYAWANSHI,J.)

sga