



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

WRIT PETITION NO. 6257 OF 2016

Nageshwar S/o Aba Thakur
Age - 24 years, Occ : Service,
R/o Station area, Behind Jain temple,
Dondaicha, Tq. Shindkheda, Dist. Dhule.

... PETITIONER

...VERSUS...

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary,
2. The Scheduled Tribe Certificate
Scrutiny Committee, Nandurbar Division,
Nandurbar
Through its Member Secretary
3. The Sub Divisional Officer,
Shirpur Division, Shirpur, Dist. Dhule
4. The Chief Engineer,
Maharashtra State Electricity Distribution
Co. Ltd., Jalgaon Circle, Jalgaon.
5. The Superintending Engineer,
Maharashtra State Electricity Distribution Co.
Ltd., Indira Gandhi Commercial Complex,
Giri Vihar Colony, Nandurbar.
6. The Deputy Executive Engineer,
Maharashtra State Electricity Distribution Co.
Ltd., Akkalkuwa Sub-Division,
Akkalkuwa.

... RESPONDENTS

WITH

WRIT PETITION NO. 6684 OF 2016

Rameshwari D/o Aba Thakur
Age - 24 years, Occ : Student,
R/o Station area, Behind Jain temple,
Dondaicha, Tq. Shindkheda, Dist. Dhule.

... PETITIONER

...VERSUS...

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary,
2. The Scheduled Tribe Certificate
Scrutiny Committee, Nandurbar Division,
Nandurbar
Through its Member Secretary
3. The Sub Divisional Officer,
Shirpur Division, Shirpur, Dist. Dhule

... RESPONDENTS

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- Mr. M.R. Wagh for petitioner in both matter.
 - Mr. Avinash Salve for Respondent Nos.4 to 6 in WP No.6257/2016
 - Mr. N.D. Batule, A.G.P. for respondent/State in WP No.6257/2016
 - Mr. A.V. Lavte, A.G.P. for respondent/State in WP No.6684/2016
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CORAM : **NITIN B. SURYAWANSHI AND
VAISHALI PATIL – JADHAV, JJ.**

RESERVED ON : **DECEMBER 09, 2025**

PRONOUNCED ON : **DECEMBER 10, 2025**

J U D G M E N T [Per Vaishali Patil – Jadhav, J.] :

1. Rule. Rule made returnable forthwith. Heard finally with the consent of learned advocates for the parties.

2. These petitions filed under Article 226 of the Constitution of India challenge the decision of the Scrutiny Committee dated

25.05.2016, thereby invalidating the tribe claims of the petitioners as belonging to “Thakur, Scheduled Tribe”.

Petitioners are real brother and sister, hence the Committee has passed common order.

3. We have heard learned Advocate for the petitioners and learned A.G.P. for the respondent/State assisted by Law Officer of the Committee and learned Advocate for respondent nos.4 to 6 in Writ Petition No.6257/2016. Perused the record produced by learned A.G.P.

4. Admittedly, there is pre-constitutional entry of the grand father of the petitioners dated 6th October, 1934 in the school leaving certificate recording his caste as “Thakur”. Apart from this, the validity certificate is issued to petitioners' father by Nashik Scrutiny Committee on 15.04.2005. The petitioners' real uncle has received validity certificate from Nashik Committee on 25.07.2000. The petitioners' real brother Rushikesh Aba Thakur is granted validity certificate by Dhule Scrutiny Committee on 23.04.2025.

In view of the judgment in the case of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and Ors, 2023 SCC Online SC 326* and *Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others,*

2010(6) Mh. L.J. 401, since the tribe claim of the blood relatives of the petitioners is validated by the Scrutiny Committee, the petitioners are entitled for validity of their tribe claims on the ground of parity. Admittedly, there are no contra entries.

5. The Committee has erroneously ignored the pre-constitutional documents and has rejected the claim of the petitioners on untenable ground that there is no document produced where Thakur, Scheduled Tribe is recorded as caste and petitioners are only taking benefit of surname, which is also found in upper caste.

6. Another ground on which the Committee has rejected the tribe claims of the petitioners is that the petitioners have failed to pass affinity test. In view of the judgment in the case of ***Anand Vs. Committee for Scrutiny and Verification of Tribe Claims, others, (2012) 1 SCC 113***, the affinity test is not a litmus test and cannot be a sole ground to reject the caste claim. In view of decision in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra)***, the area restriction is no more ground available for rejecting the caste claim. Therefore, both these grounds cannot be sustained.

7. In view of the above, as there is pre-constitutional

document of petitioners' grand father and validity certificates are issued to petitioners' father, real uncle and real brother, the petitioners are entitled for validity of their tribe claims and the impugned decision is liable to be set aside.

8. For the aforestated reasons, we pass the following order :-

ORDER

- (i) Writ Petitions are allowed.
 - (ii) The impugned decision of the Committee dated 25.05.2016 is hereby quashed and set aside.
 - (iii) The Committee is directed to issue the validity certificates to the petitioners that they belong to Thakur, Scheduled Tribe, within a period of eight weeks from the date of receipt of this order.
9. Rule is made absolute in the above terms with no order as to costs.

[VAISHALI PATIL – JADHAV, J.]

[NITIN B. SURYAWANSHI, J.]