



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7653 OF 2020

VAIBHAVI VISHNU MORE AND ANOTHER
VERSUS
UNION OF INDIA AND OTHERS

Advocate for the Petitioners : Mr. S. C. Yeramwar
AGP for Respondents-State : Ms. P. J. Bharad
Advocate for Respondents No. 4 and 5 : Mr. P. B. Kulkarni h/f Mr.
M. D. Narwadkar
Advocate for Applicant in CA : Mr. T. M. Venjane

WITH
CIVIL APPLICATION NO. 7968 OF 2020
IN WP/7653/2020
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CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.

Dated : August 20, 2025

ORDER :-

1. The petitioners who are the students have challenged the order dated 01.10.2020 passed by the respondent-Scrutiny Committee, invalidating her Tribe Claim of Thakar Scheduled Tribe.
2. Heard learned Advocate for the petitioners and the learned AGP appearing for respondent - Scrutiny Committee. Perused the papers on record.
3. It is submitted by the learned Advocate for the

petitioners that the petitioners' father is holding Validity Certificate towards the said scheduled tribe i.e. 'Thakar', which was issued by the respondent-Committee by following due procedure. He submits that the Tribe Claim of the petitioners is rejected on the ground that contra entries such as 'Maratha' were revealed by scrutinising the record and the said contra entries were not brought before the Committee when the petitioners' father was issued the Certificate. He further submits that the Committee discarded the pre-constitutional document on the ground that the 'Thakar' was mentioned as the surname and not as the caste. He further submits that the Committee further held that by scrutinising the record of one Vishnu Narsing More, it was revealed that the petitioners' father was not found related to him by blood, though the petitioners' father was issued Validity Certificate on the basis of Validity of said Vishnu More. He submits that in view of **Maharashtra Adiwasi Jamat Swarakshan Samiti Vs. State of Mane and Others (AIR Online 2023 SC 219)**, if the blood relative is granted Validity Certificate by following due procedure, the Committee cannot refuse Validity to the blood relative Claimant. He submits that the impugned order needs to be quashed and set aside and necessary directions be given to the respondent-Committee to issue Validity Certificate.

4. The petition is opposed by the learned AGP appearing for Committee. She submits that an entry in the per-constitutional document in respect of grand-father of the petitioner show that 'Thakar' was written as the surname and not as the caste and, therefore, the said document will not be of any assistance to the petitioner. She further submits that the petitioners' father was issued Validity Certificate on the basis of Validity granted to one Mahesh Subhash More and the record / file of Mahesh More nowhere show that, the petitioners' father was in any way related to him by blood. She further submits that the signature of the Mahesh More in his file did not match with the signature on the affidavit submitted by him in the case of petitioners' father. She further submits that there were entries of 'Maratha' in the record of the relatives of the petitioners which were not before the respondent-Committee when the petitioners' father was issued Validity Certificate. She submits that the order of Validity in case of Mahesh More was not the reasoned order and was the order in the prescribed format wherein many coloums were left blank and therefore, in view of the said decision of the Hon'ble Apex Court, the said Validity cannot form the basis to issue Validity Certificate to the relatives. She submits that petition needs to be dismissed.

5. The papers on record goes to show that while considering and issuing the Validity Certificate to the petitioners' father, the respondent-Committee had followed due procedure. The Vigilance Cell Inquiry was favourable. Therefore, the ground that, the order granting Validity to Mahesh More was not reasoned order, cannot come in the way of Petitioners. There is no dispute that there is one old document of 1940 of the blood relatives of the petitioner showing the entry as 'Thakar'. Merely because the word 'Thakar' is mentioned as the surname and not mentioned as the caste, in our considered view, the said document cannot be ignored. It is nowhere the case of the Respondent-Committee that 'Thakar' is also a surname and its fall in some other caste. It is also nowhere the case of the respondent-Committee that, such old entry was fabricated or there was any overwriting. Needless to state that the pre-constitutional record has more productive value.

6. As regards the other grounds that, the signature of Mahesh in his matter was not matching with the affidavit submitted in the Petitioners' father Validity case, Mahesh is not before the Court and therefore, the said ground falls down. As regards the ground that the entry of 'Maratha' was found in the documents of

the blood relatives of the petitioners, the record shows that while granting validity to the petitioners' father, in some documents of the relatives petitioners' father's, the caste was shown as 'Maratha' which was considered and despite that, the petitioners' father was granted Validity. Therefore, the said ground is not sustainable.

7. Considering the above aspects and particularly the admitted position that, the Petitioners' father is issued Validity towards the 'Thakar' Scheduled Tribe by following due procedure of law, the Petitioners cannot be denied the benefits of Validity towards the same tribe. Since the Committee has decided to open the Validity to the Petitioners' father, the validity to be issued to the Petitioners will be conditional. Hence, we proceed to pass following order :-

ORDER

- (i) The impugned order dated 21.10.2020 passed by the Scheduled Tribe Certificate, Scrutiny Committee, Aurangabad is quashed and set aside.
- (ii) The Respondent-Committee shall issue Validity Certificate to the petitioner as belonging to the 'Thakar' Scheduled Tribe, which shall be subject to the Validity granted to the Petitioners' father.
- (iii) Since the petitioner is required to submit the Validity

Certificate by tomorrow, respondent-Committee shall issue Validity Certificate to the petitioner today itself.

- (iv) Writ Petition is disposed of accordingly.
- (v) Pending Civil Application for intervention also stands disposed of.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

Omkar Joshi