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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9041 OF 2010

Sunil Shenfadu Alias Shivaaji Salunke
Age – 31 years, Occ – Service
R/o Laxminagar Ward No.1,
Gondhwani Road, Shrirampur
Taluka – Shrirampur, District - Ahmednagar

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 Executive Magistrate
Jamner, Taluka – Jamner
District – Jalgaon
4. Zilla Parishad, Ahmednagar
Through its Chief Executive Officer
5. The Executive Engineer,
Zilla Parishad, Public Works Department
Northern Division, Ahmednagar
(Rural Water Supply, Sub Division Sangamner)

RESPONDENTS

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Mr. Anil S. Golegaonkar, Advocate for the Petitioner
Mrs. V. S. Chaudhari, AGP for Respondent - State
Mr. P. D. Biradar h/f Mr. S. T. Shelke, Advocate for Respondents
No.4 and 5

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[CORAM : NITIN B. SURYAWANSHI, &
VAISHALI PATIL-JADHAV, J. J.]

DATE : 2nd DECEMBER, 2025

ORAL JUDGMENT (PER NITIN B. SURYAWANSHI, J.) :

1. Rule. Rule is made returnable forthwith. Heard finally with the consent of the learned Advocates for the parties.
2. Claim of the Petitioner is rejected by Respondent No. 2 Committee mainly on two counts; (i) Area restriction and (ii) Affinity Test.
3. Before the Committee, the Petitioner has relied on school leaving certificate of his father Shenfadu Maharu Salunke. On 12th April, 1950, caste of Petitioner's father is recorded as "Hindu Thakur". Caste "Hindu Thakur" is also recorded in the general register of the school where his father has taken education.
4. While rejecting the claim of the Petitioner, the Committee has observed that, Thakur community was notified to be Scheduled Tribe from 1956 to 1976 in respect of only 25 Tehsils of 5 Districts of Western Maharashtra i.e. Pune, Ahmednagar, Nashik, Thane and Kolaba (Now Raigad). The applicant is a permanent resident of village Paldhi, Taluka – Jamner, District – Jalaon and it is not his case that he is shifted from any of the villages of Sahyadri to the present place and it is only after removal of area restrictions in 1976 that, people of other parts

started obtaining certificates of Thakur Scheduled Tribe. The Committee has also relied on the observations of this Court in the case of **"Murlidhar Gathe V/s State" 2007 (3) Mh.L.J. 308**.

5. Heard learned Advocate for the Petitioner, learned AGP for the State and learned Advocate for Respondents No.4 and 5. Perused the record made available by the learned AGP.

6. In view of the decision in **"Jaywant Dilip Pawar V/s State of Maharashtra and Others" 2018 (5) ALL MR 975**, the area restriction is no more in operation and hence, the same cannot be a ground to reject the claim.

7. The next ground on which the Committee has rejected the claim of the Petitioner is that, the Petitioner has failed in the affinity test.

Though in the vigilance inquiry, the Petitioner has given formal information about the Thakuar Scheduled Tribe and the Vigilance Cell has observed that the information of the traits of Thakur Scheduled Tribe, given by the Petitioner is consistent with the Thakur Tribe, the Scrutiny Committee has erroneously proceeded to observe that the Petitioner has failed in the affinity test.

8. In the light of the decision in *Anand V/s Committee for Scrutiny and Verification of Tribe Claims and Others* 2012 (1) SCC 113 and *"Maharashtra Adiwasi Thakur Jamat Swarakshan Samity V/s State of Maharashtra and Others"* AIR 203 SC 1657, the affinity test is not the litmus test and it has to be applied to corroborate the documentary evidence submitted by the Applicant / Petitioner. Therefore, this ground is also not sustainable in the present case.

9. By filing additional affidavit, the Petitioner has placed on record certificate of validity issued in favour of his real brother – Vijay Shivaji Salunke, issued by the same Committee on 11th January, 2022. Admittedly, the same documents, which were relied by the Petitioner are relied by his real brother while obtaining the validity certificate. Admittedly, there is no contrary evidence.

10. In view of this, the Petitioner is entitled for validity certificate. In the result, following order:

ORDER

- A. Writ Petition is allowed.
- B. Impugned order dated 31st July, 2010 passed by Respondent No.2 Scrutiny Committee is hereby quashed

and set aside.

- C. Respondent No. 2- Scrutiny Committee is directed to issue validity certificate of "Thakur Scheduled Tribe" to the Petitioner, within 8 weeks from the date of uploading of this order.
- D. Rule is made absolute in above terms.

[VAISHALI PATIL-JADHAV]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE