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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13648 OF 2021

Sujit Bhausahab Jagtap
Age – 32 years, Occ – Service
R/o Padhegaon, Taluka – Shrirampur
District – Ahmednagar
At present Railway Police Station
Ahmednagar District – Ahmednagar

PETITIONER

VERSUS

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary,
2. Sub Divisional Officer,
Shrirampur, Taluka – Shrirampur
District – Ahmednagar
3. Scheduled Tribe Certificate
Scrutiny Committee, Nashik
Through its Member Secretary
4. The Superintendent of Police (RPF)
(Railway) Pune, District – Pune
5. The Police Inspector (RPF)
Railway Police Station,
Ahmednagar, District – Ahmednagar

RESPONDENTS

.....
Mr. Digambar B. Shinde, Advocate for the Petitioner
Mrs. V. P. Dama, AGP for Respondent - State
Ms. S. R. Awad, Law Officer, for Respondent No.3
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[CORAM : NITIN B. SURYAWANSHI, &
VAISHALI PATIL-JADHAV, J. J.]

DATE : 20th NOVEMBER, 2025

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

1. Rule. Rule made returnable forthwith. Heard finally with the consent of learned Advocates for the parties.
2. This Petition, filed under Article 226 of the Constitution of India, challenges order passed by Respondent No. 3 Committee dated 26th November, 2021, thereby invalidating the tribe claim of the Petitioner that he belongs to "Thakar" Scheduled Tribe.
3. Heard learned Advocate for the Petitioner, learned AGP ably assisted by the Law Officer of the Scrutiny Committee. Perused the original record.
4. In support of his claim, the Petitioner has relied on school leaving certificate of his grand father Eknath Dattatray Thakar, wherein his caste is mentioned as "Hindu Thakar", his date of birth is shown as 01.10.1931 and he took admission in the ZP Primary School, Pachegaon, Taluka - Newasa, District - Ahmednagar on 12.10.1938. Apart from this document, the Petitioner has relied on other documents, which are of recent origin.
5. The Committee rejected the claim of the Petitioner mainly on the ground that since there are different entries in the record

of the Petitioner's blood relations, namely, "Hindu Maratha" (1968), "Hindu Thakar" (1938, 1977, 1980, 1988, 1997), "Hindu Thakur" (1995), the Petitioner has failed to prove his claim.

6. Perusal of the record indicates that there is an entry in the school record of the grand father of the Petitioner namely Eknath Dattatray Thakar that he belongs to "Hindu Thakar" caste. His date of birth is recorded as 01.10.1931 and the entry appears to have been taken on 27.06.1940. This document is verified by the Vigilance Cell and the same is referred in the Vigilance Cell report.

7. Though the record of father of the Petitioner Bhausahab Eknath Thakar is relied on by the Committee, wherein his caste is mentioned as "Hindu Maratha" (1960), however, we do not find that this document is referred by the Vigilance Cell in its report or during inquiry. Apart from this, this document was not confronted to the Petitioner by the Scrutiny Committee at the time of verification of the claim of the Petitioner. Therefore, the Committee has committed an error in relying on this document while rejecting the Tribe claim of the Petitioner.

8. Another ground on which the Committee has rejected the claim of the Petitioner is that, though the Petitioner has proved

that there are entries of "Thakar" tribe in the record submitted by him, the Petitioner has failed in affinity test. In view of the decisions in *"Anand V/s Committee for Scrutiny and Verification of Tribe Claims and Others"* 2012 (1) SCC 113 and *"Maharashtra Adiwasī Thakur Jamat Swarakshan Samity V/s State of Maharashtra and Others"* AIR 203 SC 1657, it is by now well settled that affinity test is not conclusive either way and it is not a litmus test.

9. Since the Committee has erroneously ignored the school record of Eknath Dattatray Thakar, grand father of the Petitioner, which is of pre-constitutional period and therefore has greater probative value, the impugned order is unsustainable. Hence, the following order:

ORDER

- A. Writ Petition is allowed.
- B. Impugned order dated 26.11.2021 passed by Respondent No.3 Scheduled Tribe Certificate Scrutiny Committee, Nashik is hereby quashed and set aside.
- C. Respondent No.3 Scheduled Tribe Certificate Scrutiny Committee, Nashik is directed to issue Tribe Validity

Certificate to the Petitioner that he belongs to "Thakar"
Scheduled Tribe, within a period of 6 weeks from today.

D. Rule is made absolute in aforesaid terms.

[VAISHALI PATIL-JADHAV]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE