



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

35 WRIT PETITION NO. 12900 OF 2017

Kirti d/o Prabhakar More @
Kirti w/o Ganesh Pawar
Age : 31 years, Occ : Nil,
R/o 10 Savant Park, Vadavali Section,
Ambarnath (East), District. Thane.

..PETITIONER

-VERSUS-

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Committee for Scrutiny and
Verification of Tribe Claims,
Through its Dy. Director (Research),
Nandurbar.
3. The Additional Chief Secretary,
General Administration Department,
Mantralaya, Mumbai-32.
4. The Additional Chief Secretary
Housing Department,
Mantralaya, Mumbai-32.

..RESPONDENTS

...
Advocate for the Petitioner : Mr. Yeramwar Sushant C.
AGP for Respondent/State : Mrs. V.S. Chaudhari

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

DATED : 17th NOVEMBER, 2025.

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

. Rule. Rule made returnable forthwith and heard finally
with the consent of the parties.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner challenges the decision of respondent no.2 – Committee dated 16.09.2017, thereby rejecting the tribe claim of the petitioner that she belongs to Thakur, Scheduled Tribe.

3. Heard learned Advocate for the petitioner and learned A.G.P for the State. Perused the original record made available by the learned A.G.P.

4. In support of her case, petitioner relied upon various documents, some of them are of pre-independence period, as well as the validity certificate issued in favour of her real brother Vinayak Prabhakar More and a validity granted to her cousin uncle Ramesh Govindrao Thakur by the orders of this Court dated 11.06.2003 passed in Writ Petition No.198/1991. The petitioner has relied upon a pre-independence document i.e. birth and death's extract register of Jalgaon Municipal Council of the year 1945, wherein an entry dated 02.06.1945 shows that Sadanand (real uncle of the petitioner) is born to Dattatraya Motiram More (grand father of the petitioner).

5. The genealogy given by the petitioner at page 73 is not in dispute. The relation between the petitioner and Sadanand, Dattatray and Ramesh S/o Govindrao More is also not in dispute.

6. While rejecting the tribe claim of the petitioner, Committee has relied upon the words 'उ.व.' mentioned in front of name of grand father of the petitioner in the sale deed dated 19th June, 1941. Committee has interpreted these words as 'उच्च वर्णीय' i.e. higher caste, ignoring the figure '36' mentioned in front of these words. It is

therefore clear that the words 'उ.व.' are abbreviation used in vernacular language for 'उमर वर्ष' i.e. age. Therefore, the Committee has committed an error in interpreting the words 'उ.व.' means 'Thakur, 'उच्च वर्णीय', by ignoring the figure depicting the age mentioned in front of these words. Thus, the impugned order is vitiated on the ground of total non-application of mind on the part of the Committee.

7. Another ground on which the Committee has rejected the tribe claim of the petitioner is that the petitioner has failed to prove affinity test. After the decision of *Anand Vs. Committee for Scrutiny and Verification of Tribe Claims and others, (2012) 1 SCC 113*, the affinity test can be relied upon only to corroborate the documentary evidence of the petitioner and that cannot be a sole ground to reject the tribe claim. In this view of the matter, the findings recorded by the Committee that the petitioner failed to prove affinity test also cannot be sustained.

8. Taking into consideration the pre-constitutional documents and entries as Thakur of the petitioner's ancestors/forefathers and as the Committee has validated the Tribe Claim of real brother of the petitioner namely Vinayak Prabhakar More, so also since this Court has validated the Tribe Claim of the cousin uncle of the petitioner namely Sadanand Dattatraya More, the petitioner is entitled for relief.

9. For the afore-stated reasons, the impugned decision of the Committee cannot be sustained and same is liable to be quashed and set aside.

10. In the result, Writ Petition is allowed. The impugned

decision of the respondent – Committee is hereby quashed and set aside. The Committee is directed to issue the validity certificate in favour of the petitioner that she belongs to Thakur, Scheduled Tribe within a period of four weeks from the date of uploading of this order.

11. Rule is made absolute in the above terms.

12. No order as to the costs.

13. Needless to state that the petitioner will be entitled to claim further consequential and pecuniary benefits, if any.

(VAISHALI PATIL-JADHAV,J.)

(NITIN B. SURYAWANSHI,J.)

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