

Nikita

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2684 OF 2023

Dhruv S/o Pramod Thakur

...Petitioner

versus

The State of Maharashtra and Ors.

...Respondents

.....

Mr. Sushant Yeramwar for the Petitioner.

Mr. V. M. Mali, AGP for the State.

.....

**CORAM : M.S. KARNIK &
SHARMILA U. DESHMUKH, JJ.**

DATE : 6th OCTOBER, 2025.

P.C:

1. Heard learned Counsel for the Petitioner and learned AGP for the State.
2. The challenge is to the order passed by the Scheduled Tribe Certificate Scrutiny Committee, invalidating the Caste claim of the Petitioner as belonging to the "Thakar-Scheduled Tribe" category. The Caste claim has been invalidated on three grounds. One of the reason is the Petitioner's grand father taking education prior to the independence, which fact according to the Caste Scrutiny Committee is indicative that the Petitioner does not belong to the Scheduled Tribe Community. The next reason is application of the affinity test. Third

ground for invalidating the caste claim is area restrictions.

3. Learned AGP argued in support of the impugned order.

4. We find there to be school record of the Petitioners grand father i.e. Rama Keshav Thakar, indicating the Caste as “Hindu Thakar”. The date of admission in the school is 11th June, 1946. The vigilance cell has inquired into the said school leaving certificate and found that the same to be authentic copy from the relevant records. There are no interpolations in the document.

5. Learned Counsel for the Petitioner relied upon the decision of this Court in Dilip S/o. Mahadev Mhaske Vs. The State of Maharashtra and Ors. in Writ Petition No.1158 of 2018 decided 16th April, 2018. This Court was of the opinion that the pre-independence document ought to be taken into consideration and the Scrutiny Committee could not have proceeded to reject the claim of the Petitioner by applying the affinity test. The said decision squarely applies to the present case.

6. Moreover, it is also pertinent to note that the Hon’ble Supreme Court in the case of Jaywant Dilip Pawar Vs. State of Maharashtra and Ors. in Civil Appeal No.2336 of 2011 decided on 8th March, 2017 has dealt with the issue of area restriction of Scheduled Tribes in the State of Maharashtra. The Hon’ble Supreme Court opined that the appellants therein had duly mentioned that they belonged to the community mentioned at Sr. No.44 of Part (IX) of Second Scheduled of the

Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 and therefore area restrictions record would not be applicable. For the same reason, the Petitioner's claim could not be rejected on the ground of area restrictions.

7. In the present case, the Petitioner relied upon, pre-constitutional document, which clearly indicates that Petitioner's grand-father belongs to the "Hindu-Thakar Caste". The Scrutiny Committee committed an error in discarding the pre-constitutional document on a fallacious reason that the Petitioner's grand father was taking education prior to independence and therefore the Caste claim is doubtful. The Committee is called upon to decide the Caste claim. The pre-independence documents could not have been discarded in this manner. We have therefore no hesitation in setting aside the impugned order of the Caste Scrutiny Committee.

8. The Writ Petition is allowed in terms of prayer clauses (b) and (c).

[SHARMILA U. DESHMUKH, J.]

[M.S. KARNIK, J.]