



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2213 OF 2023

Vinod S/o Pralhad Ingle
Age 50 years, Occ: Service,
R/o Sai Malhar Residency,
C-Wing, Flat No.301, Jaymalhar Nagar,
Bapgaon, Tq. Bhiwandi,
Dist. Thane.

...PETITIONER

...V E R S U S...

1. Scheduled Tribe Caste Certificate
Scrutiny Committee, Amravati Division,
Chaprashipura, Old By Pass, Amravati,
Through its Vice Chairman/Jt. Commissioner.
2. Kalyan Dombivli, Municipal Corporation,
Transport Undertaking Kalyan, Shivaji Chowk,
Kalyan West, Thane-421301
Through its Transport Manager.

...RESPONDENTS

Shri Saurav M. Golhar, Adv. h/f Shri A.P. Kalmegh, Advocate for petitioner.
Shri A.V. Palshikar, Assistant Government Pleader for respondent no.1.

CORAM : SMT. M.S. JAWALKAR & M.W. CHANDWANI, JJ.
DATE : 17.11.2025

ORAL JUDGMENT: *(Per : M.W. Chandwani, J.)*

1. **Rule.** Rule made returnable forthwith. Heard finally
with the consent of both the parties.
2. The petition challenges the order dated 30.12.2022
passed by respondent no.1 – Scheduled Tribe Caste Certificate
Scrutiny Committee, Amravati (for short “**Committee**”) negating
the caste claim of the petitioner who claims to be belonging to

‘Thakur’, which is recognized as a Scheduled Tribe under the Constitution (Scheduled Tribes) Order, 1950 on the ground that relatives and forefathers of the petitioner were not residents of the Sahyadri Mountains and there is nothing on record to suggest that they migrated to the Vidarbha Region coupled with the fact that in the affinity test, it has been found that they are following a different tradition than that of the ‘Thakur’ Scheduled Tribe. Respondent no.1 – Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati was of the opinion that ‘Thakur’ is a title and therefore, invalidated the caste claim of the petitioner.

3. The issue is no more *res integra* in wake of the decision of the Supreme Court in the case of ***Jaywant Dilip Pawar Vs. State of Maharashtra and others***¹ wherein, in paras 1 and 2 it has been observed as under:

“The short point raised by learned counsel for the appellants in these appeals is that after ‘The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976’ (Act No.108 of 1976) was published in the Gazette on 20.09.1976, the area restriction of Scheduled Tribes in the State of Maharashtra for the Thakur community has been deleted and all members of Thakur, Thakar, Ka Thakur, Ka Thakar, Ma Thakur and Ma Thakar community are treated to be Scheduled Tribes. The Scrutiny Committee has negated the claim of the appellants on the ground that the relatives of the appellants were not residents of the areas mentioned in the Presidential Order, 1956 and

¹ 2018 (5) ALL MR 975 (S.C.)

further they were not able to give any details of customs and traditions being observed by the said community.

2. In our considered opinion, that is wholly irrelevant. The appellants have only to establish that they belong to community mentioned at Serial No.44 of Part IX of Second Schedule of Act No.108 of 1976.”

4. There is no dispute that the petitioner has produced various documents showing his caste as well as the caste of his forefathers as ‘Thakur’ from 1932 till date.

5. The learned Assistant Government Pleader has fairly submitted that the caste claim of the petitioner has been invalidated only on the ground of area restriction.

6. It appears that the Committee has exceeded its jurisdiction by observing that the petitioner has failed to prove that he belongs to ‘Thakur’ Scheduled Tribe. It is to be mentioned here that, when in The Presidential Order ‘Thakur’ is included in the list of Scheduled Tribes, there was no reason for the Committee to go beyond The Presidential Order to enquire whether a particular group was a part of the Scheduled Tribes as prescribed in the list of Scheduled Tribes. In the case of ***Palghat Jilla Thandan Samudhaya Samrakshna Samithi and another vs. State of Kerala and another***¹ the Apex Court has held that the Scheduled Castes Order has to be applied as it stands and no enquiry can be held or

¹ (1994) 1 SCC 359

evidence can be led to determine whether or not some particular community falls within it or outside it. No action to modify the plain effect of the Scheduled Castes Order, except as contemplated by Article 341 is valid.

7. It also appears that the respondent-Committee has applied the principle of area restriction, even when the efficacy of area restriction has been stated to have very little relevance, more so when there is documentary evidence in support of the claim, as laid down in the case of *Palghat Jilla Thandan Samudhaya* (supra).

8. In wake of the consistent documents showing the caste of the petitioner as Thakur, we are of the opinion that the findings recorded by respondent no.1-Committee being erroneous are required to be set aside. Needless to mention that, in the case of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others*¹ the Supreme Court has held that affinity test is not a litmus test. The petitioner has produced various documents showing his caste as 'Thakur'. Hence, we pass the following order:

9. The writ petition is allowed.

¹ 2023 (2) MhLJ 785

10. The impugned order dated 30.12.2022 passed by the Respondent no.1 – Scheduled Tribe Caste Certificate Validity Committee, Amravati is hereby quashed and set aside.

11. It is hereby declared that the petitioner belongs to ‘Thakur’ Scheduled Tribe.

12. Respondent no.1– Committee is directed to issue Validity Certificate to the petitioner within two months from the date of receipt of this order.

Rule is made absolute in the abovesaid terms. No order as to costs.

(M.W. CHANDWANI, J.)

(SMT. M.S. JAWALKAR, J.)

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