



7-WP-2919-19

1/12

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

WRIT PETITION NO.2919 OF 2019

Rajesh s/o Mansingh Thakur,
aged about 51 years, occ. Service,
Permanent Resident of House No.118,
Azad Chowk, Sadar, Nagpur
(presently residing at C/o Dr Mohane,
Vikas Nagar, Kapapata Road,
Betul District, Madhya Pradesh)

... Petitioner

-vs-

1. State of Maharashtra through its
Secretary, Department of Social Justice
and Tribal Development, Mantralaya,
Mumbai-400032
2. Scheduled Tribe Caste Certificate
Scrutiny Committee, Chief Minister's
Secretariat, Barrack No.1, 2 and 10,
Hyderabad House, Civil Lines, Nagpur
through its Deputy Director/Member-Secretary
3. Central Bank of India, Regional
Office, Chitnavis Ganj, Narsingpur
Road, Chhindwada, Madhya Pradesh,
through its Deputy Regional Manager
4. Central Bank of India, Zonal Office,
9, Arera Hills, Jail Road, Bhopal,
through its Regional Manager
5. Central Bank of India,
Central Office, Nariman Point,
Mumbai through its Assistant
General Manager

... Respondents

Shri Narayan C. Phadnis, Advocate for petitioner.

Shri A. V. Palshikar, Assistant Government Pleader for respondent Nos.1 & 2.

CORAM : SMT M. S. JAWALKAR AND RAJ D. WAKODE, JJ.

ARGUMENTS WERE HEARD ON : 29th September, 2025

JUDGMENT PRONOUNCED ON : 28th November, 2025

JUDGMENT : (PER : RAJ D. WAKODE, J.)

Heard Shri N. C. Phadnis, learned counsel for the petitioner and Shri A. V. Palshikar, learned Assistant Government Pleader for respondent Nos.1 and 2. None appears for respondent Nos.3 to 5 though served.

2. **Rule.** Rule made returnable forthwith. Heard finally with the consent of learned counsel appearing for the parties.

The petitioner has approached this Court seeking challenge to the impugned order dated 29/03/2019 passed by respondent No.2- Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur (hereinafter referred to as 'the Committee' for the sake of brevity) thereby invalidating the caste-claim of the petitioner towards 'Thakur' Scheduled Tribe.

3. The brief facts leading to filing of the present petition are as follows.

The petitioner claims to be belonging to 'Thakur' caste which is included as Scheduled Tribe at entry No.44 in the Constitutional Scheduled Tribes Order, 1950. The petitioner was appointed by

respondent No.3 Central Bank of India initially vide order dated 02/01/1990. Subsequently he was promoted to various posts and at the time of filing of petition, the petitioner was promoted in Scale II category on 18/06/2011. Since the petitioner was appointed from reserved category, his caste-claim was referred by respondent No.5-Mumbai office to the respondent No.2-Committee on 18/01/1990 for verification. The respondent-Committee having received caste-claim of the petitioner forwarded the same to the police vigilance cell for enquiry. The police vigilance cell conducted home, school and revenue enquiry and submitted vigilance report on 24/01/2019 which is at record page 78 to the petition. Since the police vigilance cell has procured one contra entry of 'Chhatri' pertaining to the petitioner's grandfather by name Mansing and the petitioner has failed to prove his affinity with 'Thakur' Scheduled Tribe, the respondent No.2-Committee issued show cause notice to the petitioner on 31/01/2019 which is at record page 76 (Annexure-K). The petitioner submitted his detail explanation to the aforesaid show cause notice on 22/02/2019 wherein the petitioner has duly explained the contra entry of 'Chhatri' of his paternal relative. The respondent-Committee, however, after considering the aforesaid explanation and hearing the petitioner has invalidated the caste-claim of the petitioner towards 'Thakur' Scheduled Tribe by the order dated 29/03/2019 which is impugned in

the present writ petition.

4. Shri N. C. Phadnis, learned counsel for the petitioner vehemently argued that the petitioner has submitted pre-constitutional documents pertaining to his paternal aunt and his father for the period 1946 and 1947 respectively wherein the caste of his forefathers is recorded as 'Thakur' Scheduled Tribe. He further argued that the respondent-Committee has invalidated the caste-claim ignoring the pre-constitutional documents having higher degree of probative value solely on the basis of a stray entry of caste 'Chhatri' which is not at all justified in view of the judgment of Honourable Apex Court. He also pointed out that the respondent-Committee apart from the aforesaid contra entry has invalidated the caste-claim of the petitioner on the basis of affinity test and area restriction which again is in violation of the law laid down by the Honourable Apex Court and hence the present writ petition deserves to be allowed and the impugned order passed by the respondent-Committee deserves to be quashed and set aside.

5. Per contra, Shri A. V. Palshikar, learned Assistant Government Pleader supported the impugned order passed by the respondent-Committee. He urged that the petitioner claims to be belonging to

‘Thakur’ Scheduled Tribe. Though there are pre-constitutional documents showing the caste entry of ‘Thakur’, that can be of high caste or upper caste ‘Thakur’ and hence the affinity test was more relevant and since the petitioner failed to prove his affinity towards ‘Thakur’ Scheduled Tribe, his caste-claim has been rightly invalidated by the respondent-Committee. He also stressed upon the contra entry pertaining to his father wherein his caste is recorded as ‘Chhatri’ on 17/09/1940 and hence prayed for dismissal of the present petition.

6. We have heard both the parties and perused the record of the Committee. The documents which are relied upon by the petitioner are verified from the record. Perusal of the impugned order dated 29/03/2019 passed by the respondent-Committee reveals that the petitioner has relied upon eight documents for substantiating his caste-claim wherein the caste is recorded as ‘Thakur’ and out of those eight documents, at least three documents are pre-constitutional documents. It is worth to mention here that the police vigilance cell of the respondent-Committee has verified those documents and has found them to be genuine. Neither the vigilance cell report nor the impugned order anywhere states that the aforesaid pre-constitutional documents are either forged or fabricated or the entries therein are interpolated. The police vigilance cell while conducting the vigilance

enquiry has procured the genealogical tree of the petitioner which is at record page 88B and is reproduced below :

विरपत्तसिंग					
छोटेसिंग					
कमलाबाई	मानसिंग	ओमकारसिंग	कैलाससिंग	अनुसया	बिरेदसिंग
पत्नी—ठाकूर				पत्नी—ठाकूर	
(जबलपूर)	पिंकी	आशुतोष		(जबलपूर)	पारीतोष
अचंना पायल					
रेखा	नंदना	संगीता	राजेश	राकेश	रुपेश
सही / —			सही / —		
रोषणा चव्हाणा			(राजेश मानसिंग ठाकुर)		
संशोधन अधिकारी					
अनुसूचीत जाती/जमाती प्रमाणपत्र तपासणी समिती,					
नागपूर					

7. The aforesaid genealogical tree shows that the father of the petitioner is Mansingh. Mansingh is born to Chhotesingh, grandfather of the petitioner. The pre-constitutional document produced by the petitioner pertaining to the paternal relative i.e. father and paternal aunt and the relationship of the petitioner with them has not been disputed by the police vigilance cell while conducting the vigilance cell enquiry. The petitioner has invited our attention to the first document at record page-68 (Annexure-E) which is an extract from School Dakhal Kharij register where caste of Mansingh is recorded as 'Thakur'

on 01/04/1947. The petitioner has also relied upon school leaving certificate pertaining to his father Mansingh wherein his caste is recorded as 'Thakur' on 25/04/1946 (record page 69 Annexure-F). Lastly, the petitioner has relied upon the birth extract of one female child born to his grandfather Chotesingh on 25/12/1946 wherein the caste is recorded as 'Thakur' (record page 71 Annexure-H). The date of birth of female child born to Chotesingh is corroborated with the birth certificate at record page 72 Annexure-I wherein the date of birth is shown as 25/12/1946.

8. Shri Phadnis, learned counsel submitted that the petitioner has substantiated his caste-claim by placing the aforesaid three pre-constitutional documents pertaining to his paternal relatives and the aforesaid documents are having high degree of probative value. The respondent-Committee in compliance of the judgment of Honourable Supreme Court in case of *Anand vs. Committee for Scrutiny and Verification of Tribe Claims, (2012) 1 SCC 113*, should have placed greater reliance on these pre-constitutional documents as they have higher degree of probative value for declaration of status of caste. However, the respondent-Committee has completely ignored the aforesaid documents and solely on the basis of one contra entry, invalidated the caste-claim of the petitioner which is completely

unsustainable in the eyes of law and hence the impugned order deserves to be quashed and set aside by this Court.

9. Shri Palshikar, learned Assistant Government Pleader appearing for respondent-Committee has invited our attention to the birth extract of one male child born to Chotesingh, grandfather of the petitioner on 19/09/1940 wherein caste is recorded as 'Chhatri' (record page 129 Annexure-O). Learned Assistant Government Pleader submitted that in view of the aforesaid contra entry, the pre-constitutional documents lose their significance and hence the respondent-Committee has rightly rejected the caste-claim of the petitioner.

10. Shri Phadnis, learned counsel for the petitioner invited our attention to the birth certificate at record page 130 Annexure-P pertaining to the aforesaid birth extract. Perusal of said document would reveal that name of the informer of the aforesaid information is mentioned as Police Station, Nagpur. Learned counsel also pointed out that in response to the show cause notice dated 31/01/2019, the petitioner has submitted a detail explanation and has pointed out that at the relevant time in the year 1940, the police station had informed the Corporation about the birth of a child and this information has not been given by any of the relatives of the petitioner and it appears that

on the basis of this information from the police station, Nagpur, 'Chhatri' has been mentioned in the said certificate. Thus, the said entry specifically was denied by the petitioner as the entry in respect of caste or tribe as it was not been given by any of the paternal relatives of the petitioner and the same has been informed by the police station, Sadar as per their own knowledge.

11. In view of above, in our considered opinion, the petitioner has satisfactorily explained about the aforesaid contra entry relied against the petitioner by the respondent-Committee.

12. It is worth to mention here that apart from the aforesaid contra entry, there is not a single document procured by the police vigilance cell which would indicate mention of any other caste pertaining to the paternal relatives of the petitioner. The fact remains that the pre-constitutional documents relied upon by the petitioner are found to be genuine by the police vigilance cell after due verification and has been rejected by the respondent-Committee only on the basis of such contra entry.

13. Perusal of the impugned order dated 29/03/2019 would also reveal that while answering issue No.2, the respondent-Committee has

come to the conclusion that the petitioner has failed to prove affinity with the 'Thakur' Scheduled Tribe and has rejected the caste-claim of the petitioner on this ground.

In this regard, Shri Phadnis, learned counsel has relied upon the judgment of the Honourable Apex Court in *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra and ors. 2023 (2) MHLJ 785* wherein the Honourable Apex Court has held that affinity test is not a litmus test to decide a caste claim and is not an essential part in the process of the determination of correctness of a caste or tribe claim in every case.

Thus, the pre constitutional documents will have a greater probative value and hence the Committee should give more importance to such documents. In view of the above law laid down by the Apex Court, the impugned order deserves to be set aside by this Court.

14. The respondent-Committee while answering issue No.3 has held that the petitioner has failed to prove his caste-claim on the basis of area restriction and has specifically invalidated the caste-claim on that ground. To counter the reason, learned counsel for petitioner relied on the judgment of Hon'ble Apex Court in *Jaywant Dilip Pawar Vs. State of Maharashtra and ors., 2018 (5) All MR 975*, wherein it is held that, so far as area restriction of scheduled tribe in State of

Maharashtra, 'Thakur' community was deleted after Amendment Act, 1976 was published and all members of 'Thakur' community are to be treated as Scheduled Tribe. Court further held that observation of Scrutiny Committee is wholly irrelevant. Applicants only to establish that they belong to community mentioned at Sr. No.44 of part-9 of second Schedule of Amendment Act, 1976.

15. In view of aforesaid discussion, we are of the considered opinion that the respondent-Committee is not at all justified in rejecting the pre-constitutional documents pertaining to the years 1946 and 1947 wherein the caste of forefathers of the petitioner is recorded as 'Thakur' relying upon the stray entry of 'Chhatri' against the law settled by the Honourable Apex Court in the case of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti* and *Anand vs. Committee for Scrutiny and Verification of Tribe Claims* (supra).

16. Hence for the aforesaid reasons, we are of the considered opinion that the impugned order dated 29/03/2019 passed by the respondent No.2-Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur invalidating the caste-claim of the petitioner towards 'Thakur' Scheduled Tribe is unsustainable in the eyes of law and hence deserves to be quashed and set aside. Therefore, we

proceed to pass the following order :

ORDER

- (i) The Writ Petition is allowed.
- (ii) The order dated 29/03/2019 passed by the respondent No.2-Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur in Case No.TRI.TCSC/SER/SPL/326/90-91 invalidating the caste-claim of the petitioner is hereby quashed and set aside.
- (iii) It is hereby declared that the petitioner belongs to 'Thakur' Scheduled Tribe category.
- (iv) The respondent No.2-Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur is directed to issue the validity certificate to the petitioner towards 'Thakur' Scheduled Tribe within a period of four weeks from the date of receipt of this order.
- (v) Rule is made absolute in aforesaid terms with no order as to costs.

(Raj D. Wakode, J.)

(Smt M. S. Jawalkar, J.)