



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

WRIT PETITION NO. 3369 OF 2025

1) **Ankit S/o. Atmaram Ingle,**
Aged about 27 years, Occ.- Student,

2) **Snehal D/o Atmaram Ingle @
Snehal W/o Abhijeet Bhuyar,**
Aged about 29 years, Occ.- Student,

Both R/o. At Post Dongarshevali,
Tq. Chikhli, Dist. Buldana.

.... **PETITIONERS**

// VERSUS //

The Vice- Chairman/Member Secretary,
Schedule Tribe Caste Certificate
Scrutiny Committee,
Amravati Division, Amravati.

.... **RESPONDENT**

Mr. G. R. Kothari, Advocate for Petitioner.
Mr. A. M. Kadukar, Assistant Government Pleader for
Respondent.

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

DATE ON RESERVING THE JUDGMENT : 14.10.2025
DATE ON PRONOUNCING THE JUDGMENT : 19.11.2025

JUDGMENT : (Per – M. S. JAWALKAR, J.)

1. Heard. **Rule.** Rule is made returnable forthwith.
Matter is taken up for final hearing at the stage of admission by
consent of the parties and at the request of parties.

2. The petitioners by this petition are challenging the impugned order dated 16.03.2022, passed by the Respondent Schedule Tribe Caste Certificate Verification Committee, Amravati, whereby their claim belonging to 'Thakur' Scheduled Tribe came to be invalidated.

3. It is submitted that the petitioners belong to 'Thakur' Schedule Tribe, which is recognized at Sr. No.44 in the Constitution Scheduled Tribe Order, 1950. The petitioners had applied for the Scheduled Tribe Certificates to the Sub-Divisional Officer Buldhana, which were issued to them on 07.03.2018 and 16.08.2018 respectively. The petitioners are college students and their tribe claim came to be referred for the verification by their respective institutions in the year 2020.

4. The petitioners further submitted that they have filed numerous documents of pre-independence period which indicates that they belonging to the 'Thakur' Scheduled Tribe. The list of documents along with the details are enlisted as under :

Sr. No.	Type of Document	Relation with the Petitioner	Date	Tribe/Caste
1	Admission Register of Sitaram Soma	Grandfather	11.03.1943	Thakur
2	Copy of Birth-Death Extract of Soma Thakur	Great Grandfather	01.07.1930	Thakur
3	Copy of Mutation Entry of Grand father	Grandfather	1937	Thakur

5. It is further submitted that six of the near blood relatives of the petitioners have already been granted Validity Certificates. These include Arun Sakharam Ingle, uncle of the petitioners, as well as other close relatives namely Narhari Sitaram Ingle (Cousin Uncle), Arjun Tukaram Ingle (Cousin Uncle), Divya Arjun Ingle (Cousin Sister) - by order of this Court passed in W.P. No. 3488/2018, Gajanan Tukaram Ingle (Cousin Uncle), and Prathmesh Gajanan Ingle (Cousin Brother).

6. The contentions of the petitioners is that in the Vigilance Cell report dated 24/11/2021 made a remark that the petitioners failed to establish the tribal affinity. The respondent Caste Scrutiny Committee without considering the pre-independence documents, validity certificates and reply to the Police Vigilance Report, rejected the claim of the petitioners vide

order dated 16.03.2022, which is challenged in this petition. The Scrutiny Committee has given undue weightage to the invalidation order dated 08.08.2012, passed in respect of the petitioners' father. The claim of the petitioner's father was invalidated on the ground of failure to satisfy the affinity test, however, subsequent to that order, several near blood relatives of the petitioners have been granted validity certificates. It is further contended that father of the petitioners was in government service, due to financial constraints and his responsibilities as the sole breadwinner of the family, he was unable to challenge the said invalidation order. It is pertinent to note that on the basis of non- establishment of affinity, which is very well considered in the case of ***Maharashtra Adivasi Thakur Jamat Swarakhshan Samiti vs State of Maharashtra and others***, reported in ***(2023) 16 SCC 415***, wherein the Hon' ble Apex Court held that Affinity is not a litmus test for determining the veracity of a caste or tribe claim and cannot override documentary evidence.

7. The learned Counsel for petitioners relied on the following Citations:

- (i) ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others***, reported in ***(2023) 16 SCC 415*** and
- (ii) **Writ Petition No.7512/2023, Krishna s/o Vinod Sapkal (Minor) through his natural guardian (mother) – Smt. Chandrabhaga wd/o Vinod Sapkal Vs. The Chairman, the Schedule Tribe Caste Certificate Verification Committee, Amravati**, dated 13/06/2024.

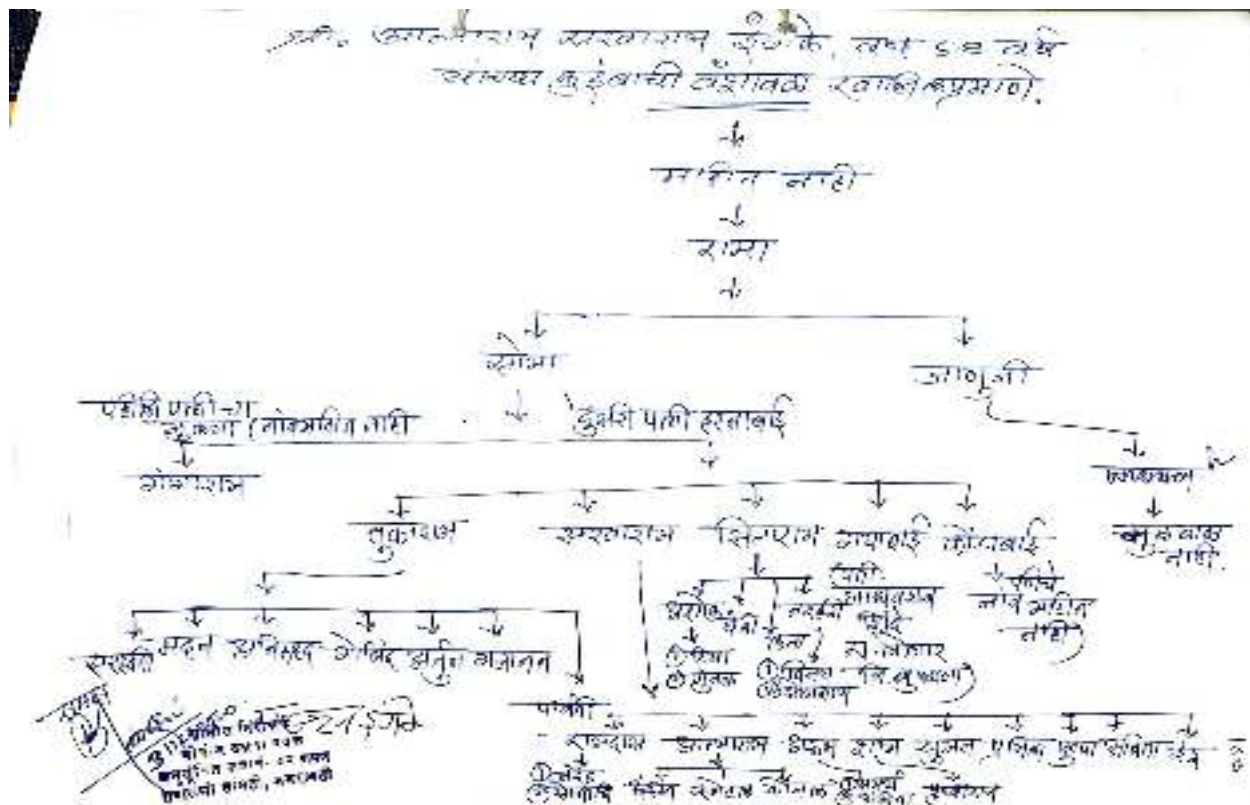
8. Per Contra the learned Assistant Government Pleader for the respondent submitted that the petitioners were served with the vigilance report and granted a hearing, during which their father appeared before the Committee. It is pointed out that tribe claim of petitioner's father was invalidated on 08.08.2012, and since that order attained finality, the petitioners cannot derive any benefit from the validity certificates issued to their paternal uncles.

9. It is further contended by the respondent that the petitioners' residence at Village Dongarshwadi, District Buldhana, falls outside the erstwhile notified area of the Thakur Scheduled Tribe. The mere mention of "Thakur" in documents is not conclusive of tribal status, as the term is also used by various non-tribal communities such as Rajput, Maratha, and Brahmin.

On applying the affinity test, the Scrutiny Committee found that the petitioners failed to establish socio-cultural affinity with the Thakur Scheduled Tribe. Hence, the claim of the petitioners was rightly invalidated.

10. Heard both the parties at length. Perused the record of the Caste Scrutiny Committee with the assistance of Assistant Government Pleader and considered the citations relied on by the learned Counsel for the petitioners.

11. For the sake of convenience, family tree is reproduced as under :



12. There are in all seven validity certificates in favour of near relatives of the Petitioners and their names are appearing in the family tree. So far as daughter of Arjun i.e. Divya and son of Gajanan namely Prathamesh are not given in the family tree, however, their father's name appears in the family tree. By the order passed by this Court in Writ Petition No.3488/2018, validity was granted to Divya Arjun Ingle and also son of Gajanan namely Prathamesh is also having the validity certificate. All the validity certificates are on record (page No.24 onwards). It appears that the caste claim of father of the Petitioner was invalidated however, due to paucity of fund, he has not challenged the said order of invalidation.

13. The Petitioners placed on record as many as 28 documents showing the entry 'Thakur' against the name of his relatives from the paternal side. In the said documents, there are documents pertains to year 1930 and 1937. The Scrutiny Committee admitted that the documents at Sr. No.6, 7 and 8 are the oldest documents showing the entry as 'Thakur'. It is surprising that inspite of fact that area restriction is removed, the Scrutiny Committee observed that though it is mentioned in

the document as relatives of the Petitioners are belonging to 'Thakur' Scheduled Tribe, however, before removal of area restriction, the place Dongarshevali, Tq. Chikhali, District Buldhana was not included in the area where the 'Thakur' tribe was shown to exist. Once the area restriction is removed, the Caste Scrutiny Committee has no right to go into the aspect as to which are the places earmarked for 'Thakur' Scheduled Tribe before removal of area restriction.

14. The learned Counsel for the Petitioners relied on ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti*** (supra), wherein the Hon'ble Apex Court held in para 21 as under :

"21. Only on the ground that the persons having the surname Thakur may belong to a forward caste as well, it is not necessary that in every case, the Scrutiny Committee should send the case to vigilance cell. It all depends on the nature of the documents produced before the Caste Scrutiny Committee and the probative value of the documents. Therefore, whenever a caste claim regarding Thakur Scheduled Tribe is considered, the Caste Scrutiny Committee in every case should not mechanically refer the case to the vigilance cell for conducting an enquiry including affinity test. The reference to the vigilance cell can be made only if the Scrutiny Committee is not satisfied with the material produced by the applicant."

15. The learned Counsel for the Petitioners also placed reliance on *Writ Petition No.7512/2023* (supra), in support of his contention that the old documents are having greater probative value. This Court relied on the Judgment in *Anand Vs. Committee for Security and Verification of Tribe Claims, 2011 (6) Mh.L.J. (SC) 919*, wherein it is held that while dealing with the documentary evidence, greater reliance may be placed on pre-independence documents because they furnish a higher degree of probative value.

16. Moreover, in view of the Judgment in Writ Petition No.3488/2018, this Court already has granted the validity certificate to Divya Arjun Ingle. Considering the validity issued in favour of real uncle of the Petitioners therein, there are other members who are holding validity certificates. Only because father of the Petitioners has not challenged the invalidation that does not preclude the Petitioners from substantiating their caste claim. It would be beneficial to refer the Judgment of *Mangesh s/o Panditrao Thakur Vs. The State of Maharashtra Department of Tribe Development, Mantralaya, Mumbai through its Secretary and other connected matters of this Court at*

Aurangabad Bench in Writ Petition No.14111 of 2021, wherein, this Court held in paragraph No. 13 as under:

“13. True it is that there is an invalidation of Jyoti Narayan Vishve's certificate and the order has attained finality right up to the Supreme Court. However, we have been consistently holding that the decision of the scrutiny committee would only bind the claimant and would not bind the blood relatives, for the simple reason that they are not parties to such adjudication and that a blood relative may be able to substantiate his claim by leading cogent and relevant evidence sufficient enough to discharge the burden cast upon him under section 8 of the Maharashtra Act No. XXIII of 2001.”

17. Thus, in view of the law laid down by this Court in the case of *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others*, reported in *2010 (6) Mh.L.J.*, the Petitioners are entitled for validity certificate. The documents which are placed by the Petitioners on record were considered in the matters of relatives of the Petitioners to whom the validity certificates are issued showing them as ‘Thakur’ Scheduled Tribe.

18. Thus, the order passed by the Caste Scrutiny Committee is patently erroneous, perverse and without

considering the documents on record. As such, it is perverse, erroneous and unsustainable. Accordingly, we proceed to pass the following order :

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 16.03.2022, passed by the Respondent – Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati in case No.
 - (i) सआ/अजप्रतस/अम/5-500/Edu/032020/166877 and
 - (ii) सआ/अजप्रतस/अम/5-500/Edu/032020/166825, is hereby quashed and set aside.
- (iii) It is declared that the Petitioners duly established that they belong to “Thakur” Scheduled Tribe.
- (iv) The Respondent – Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati is hereby directed to issue validity certificates of “**Thakur**” Scheduled Tribe to the Petitioners within a period of four weeks.

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

(RAJ D. WAKODE, J.)

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