



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

WRIT PETITION NO.5841 OF 2022

1. Suresh S/o Murlidhar More
Aged about 52 years, Occ: Service,
2. Ku. Vaishnavi D/o Suresh More
Aged about 22 years, Occ: Student

Both R/o At-Post – Wadner Gangai,
Near Shani Mandir, Tah. Daryapur,
Distt. Amravati-444706.

...PETITIONERS

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

1. The Vice – Chairman / Member-Secretary,
Scheduled Tribe Caste Certificate Scrutiny
Committee, Chaprashipura, Amravati Division,
Amravati.
2. The Superintendent Engineer,
Maharashtra State Electricity
Distribution Co. Ltd. (MSDCL)
Construction cum Organisation and
Maintenance, Circle Office,
Vidyut Bhavan, Shivaji Nagar,
Amravati.
3. The Executive Engineer,
Maharashtra State Electricity
Distribution Co. Ltd. (MSEDCL)
Rural Area, Welcome Point,
Amravati Morshi Road, Amravati.

...RESPONDENTS

Ms Preeti Rane, Advocate for petitioners.

Ms Prachi Joshi, Assistant Government Pleader for respondent no.1.

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

RESERVED ON : 11.11.2025

PRONOUNCED ON: 24.11.2025

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 17.08.2022 passed by the respondent no.1 – Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati (for short “**Committee**”) invalidating the caste claim of the petitioners.
3. Petitioner no.1 was appointed as a helper with respondent nos.2 and 3 in the year 1994. Thereafter, he was promoted as ‘Junior Technician’ and ‘Technician’ in the year 2009 and as ‘Principal Technician’ in the year 2016. Petitioner no.2 is the daughter of petitioner no.1, who is pursuing education in M.Sc. course and reserves the right to seek admission in Scheduled Tribe category for further education as well as career prospects.
4. The petitioners submitted their caste claim for validity before the respondent no.1 – Committee. The petitioners filed their documents as well as the documents of their forefathers showing that they belong to ‘Thakur’ Scheduled Tribe which is enlisted at Sr.No.44 of the Constitution (Scheduled Tribes) Order, 1950.
5. The matter of the petitioners was referred to the vigilance cell for enquiry. The vigilance cell found some contra-

entries with respect to the caste in the name of one Ganpat Bhavan, Kisan S/o Ganpat and Janaki W/o Maroti alleging that they are relatives of the petitioners. Consequently, relying on those contra-entries as well as applying the affinity test and area restriction, the respondent no.1-Committee invalidated the caste claim of the petitioners.

6. We have heard the learned counsels for the respective parties and we have also gone through the impugned order as well as the record and proceedings.

7. It appears that the petitioners have filed various documents showing their caste as well as the caste of their forefathers as 'Thakur' from 1915 onwards. The oldest document which has been relied upon by the petitioners is the extract of birth register mentioning a son born to the grandfather of petitioner no.1 and the great-grandfather of petitioner no.2 named Maruti Ganpat Thakur wherein, the entry dated 21.03.1915 shows the caste as 'Thakur'. The contra-entries namely, the death entry of one Ganpat Bhavan dated 10.11.1932, the birth entry of a son born to Kishan Ganpat dated 10.02.1927 and the death entry in respect of one Janaki Maruti dated 30.08.1925 shows the caste as 'Bhat'. The relationship with these persons has been disputed by the petitioners.

8. We have perused the family tree submitted by the petitioners; nowhere the name of the father of petitioner no.1 is mentioned as 'Bhavan'. Likewise, Kishan is also not shown as the son of Ganpat ; both these names are not appearing anywhere in the family tree. Moreover, there is nothing on record of the caste scrutiny committee to show that Ganpat was the son of Bhavan; Kishan was the son of Ganpat; Janaki was the wife of Maruti and Shakuntala was the daughter of Maruti. In absence of the material showing the relation of those persons with the petitioners, the respondent no.1 – Committee should not have relied on those documents to reject the claim of the petitioners.

9. The Committee also relied on an isolated entry i.e. the birth entry dated 18.05.1930 claiming that Maruti had one son whose caste is shown as 'Bhat'. Firstly, there is no full name on the said document; further, the oldest document relied upon by the petitioners is of the year 1915 which shows the caste of the grandfather of petitioner no.1 and great-grandfather of petitioner no.2 as 'Thakur'. Needless to mention that the oldest entry has more probative value (*See: Yogesh Madhav Makalwad Vs. State of Maharashtra [2025 INSC 964] and Anand Vs. Committee for Scrutiny and Verification of Tribe Claims [2011] (6) Mh.L.J. 919*). Thus, there are consistent entries in the documents of the petitioners

and their forefathers showing their caste as 'Thakur' since 1915. The oldest document showing the caste of the grandfather of petitioner no.1 and the great-grandfather of petitioner no.2 as 'Thakur' has been ignored by the respondent no.1-Committee. That apart, the respondent no.1 – Committee opined that 'Thakur' are not found in the area where the petitioners are residing. The Supreme Court in the case of *Palghat Jilla Thandan Samudhaya Samrakshna Samithi and another vs. State of Kerala and another*¹ has held that area restriction cannot be a ground to reject a claim in respect of caste which has already been included in the Constitution (Scheduled Castes) Order, 1950. Therefore, the finding recorded by the respondent no.1 – Committee in respect of area restriction does not stand.

10. It is to be mentioned here that, the decision in the case of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others*² the Supreme Court has held that affinity test is not a litmus test to decide whether a particular person belongs to a particular caste. The respondent no.1 – Committee failed to consider the entire material on record, more particularly, the oldest document of the year 1915 (pre-constitutional) which resulted into an erroneous finding.

¹ (1994) 1 SCC 359

² 2023 (2) MhLJ 785

Therefore, the findings recorded by the committee do not stand to the reason and are required to be set aside.

11. 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*** (supra) the Apex Court has held that the Scheduled Castes Order has to be applied as it stands and no enquiry can be held or 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.

12. 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).

13. 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. Hence, we pass the following order:

14. The writ petition is allowed.

15. The impugned order dated 17.08.2022 passed by the respondent no.1 – Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati in Case No. सआ/अजप्रतस/अम/५/५०३/Ser/०३२०२०/१६५४०३ and Case No. सआ/अजप्रतस/अम/५/५०३/Edu/०३२०२२/२०५५०० is hereby quashed and set aside.

16. It is hereby declared that the petitioners belong to 'Thakur' Scheduled Tribe.

17. The respondent no.1– Committee is directed to issue Validity Certificate to the petitioners 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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