



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

WRIT PETITION NO.356/2025

Aditya S/o Suresh Chavan
Age: 46 years, Occ: Student,
R/o Pimpalgaon,
Tq. & Distt. Washim.

... Petitioner

- Versus -

Scheduled Tribe Caste Certificate
Scrutiny Committee, Sai Uttam Vila,
House No.3, Near Rangoli Ground,
Shastri Nagar, Yavatmal,
through its Member Secretary.

... Respondent

WITH

WRIT PETITION NO.6070/2024

Shri. Suresh S/o Kisan Chavan
Age:46 years, Occ: Service,
R/o Pimpalgaon, Tq. & Distt. Washim.

... Petitioner

- Versus -

1. Scheduled Tribe Caste Certificate
Scrutiny Committee, Sai Uttam Vila,
House No.3, Near Rangoli Ground,
Shastri Nagar, Yavatmal,
through its Member Secretary.

2. Shri Nath Nange Maharaj Shikshan Sanstha,
Kherda, Tq. Malegaon, Distt. Washim,
through its Secretary.
3. Priyanka V.J. & N.T. Primary,
Ashram School, Sonda, Tq. Distt.
Washim. Through its Head Master.

Mr. A.P. Kalmegh, Advocate for the petitioner.
Mr. J.Y. Ghurde, A.G.P. for respondent/State.

.. in W.P.356/2025

Mr. A.P. Kalmegh, Advocate for the petitioner.
Mr. J.Y. Ghurde, A.G.P. for respondent/State.
Mr. V.N. Patre, Advocate for respondent Nos.2 and 3.

.. in W.P.6070/2024

CORAM: ANIL S. KILOR & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 06.08.2025.

JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

These two writ petitions are filed by the father and son. The claims of both of them are invalidated by the Scrutiny Committee. As both of them have filed the similar documents and considering the similar reasons for rejecting the validity certificates, the common judgment is passed in this case.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of learned Advocates for the parties.

3. In the present writ petitions, the petitioners have assailed the orders dated 17.09.2024 and 26.09.2024 issued by the respondent-Scheduled Tribe Certificate Scrutiny Committee, Yavatmal whereby the petitioners' claim of belonging to 'Thakur' Scheduled Tribe has been rejected and the caste certificate held by the petitioners has been invalidated.

4. The petitioners assert that they belong to 'Thakur' Scheduled Tribe.

5. In Writ Petition No.356/2025, the Sub-Divisional Officer, Washim issued caste certificate dated 13.03.2018 to the petitioner. Being a student of reserved category, the petitioner required a validity certificate to be produced for educational

purpose. Accordingly, the proposal for verification along with necessary documents was forwarded by the concerned college to the respondent-Scrutiny Committee. In support of claim, the petitioner relied upon documentary evidence prior to 1950 wherein the caste entry is recorded as 'Thakur', the oldest of such document being of the year 1916. The petitioner contends that such documents, by settled legal principles, possess greater probative value for determining the tribe status. It is further submitted that a caste validity certificate had earlier been issued to petitioner's cousin-grandfather on the basis of similar documentary material and that his case rests on identical evidentiary footing, merits equal treatment. The respondent - Committee without adverting to the settled law laid down, proceeded to forward the petitioner's tribe claim for vigilance cell enquiry. Pursuant thereto, the Committee issued a show-cause notice dated 26.07.2024 along with vigilance cell report dated 11.06.2024. The said report indicated that the vigilance cell officer had verified the petitioner's documents and had raised

objections with regard to the petitioner's affinity and the aspect of area restriction. The petitioner was thereby called upon to file written submissions within the stipulated period. In compliance thereof, the petitioner submitted written representation dated 05.08.2024, inter alia, reiterating reliance upon documentary evidence prior to the year 1950 and the caste validity certificate issued in favour of his paternal-side blood relatives, and accordingly, sought issuance of a validity certificate in his favour.

6. In Writ Petition No.6070//2024, being aggrieved by the order dated 26.09.2024 passed by the respondent No.1-Scheduled Tribe Certificate Scrutiny Committee, Yavatmal the petitioner has invoked the writ jurisdiction of this Court under Article 226 of the Constitution of India.

7. The petitioner claims to be belonging to 'Thakur' Scheduled Tribe. The caste certificate to that effect was issued to him by the Executive Magistrate, Washim on 07.07.1995. Relying

upon the said certificate, the petitioner was appointed as an Assistant Teacher under an order dated 31.10.1998 issued by respondent No.2. Upon completion of his probation, a regular appointment order was issued on 04.07.2003 and his services were thereafter approved by order dated 09.10.2003.

8. Since the appointment was made against a post reserved for the Scheduled Tribe category, the petitioner was required to submit a caste validity certificate. In compliance thereof, the respondent No.3-employer forwarded a proposal in that regard to the Caste Scrutiny Committee accompanied by supporting documents, including documents prior to year 1950 wherein the caste 'Thakur' is recorded. The petitioner further submits that caste validity certificate had been granted to his cousin uncle, cousin brothers and cousin sisters on the basis of similar documentary evidence and, therefore, his claim too deserves to be recognised and accepted by the Committee.

9. The respondent - Committee without considering the settled law laid down, referred the petitioner's tribe claim for inquiry by the Vigilance Cell. Pursuant thereto, the Vigilance Cell conducted an investigation and submitted its report dated 11.06.2024. Based on the said report, the Committee issued a show-cause notice dated 26.07.2024 directing the petitioner to file his written submissions within fifteen days. The report disclosed that the Vigilance Cell Officer had collected and annexed certain documents such as copies of sale deeds, 7/12 extracts and an order of the Revenue Tribunal with a view of the petitioner's claim to be denied.

10. The learned counsel further submitted that the vigilance cell report dated 20/08/2024 discloses that the vigilance cell officer had collected and annexed certain documents, namely, copies of sale extracts, 7/12 extracts, and an order of the Revenue Tribunal, in an attempt to negate the petitioner's legitimate tribe claim. It is urged that the said material is wholly irrelevant for the

purpose of adjudicating the petitioner's tribe status. The vigilance cell officer has, in the said report, raised an objection that certain relatives of the petitioner had executed sale deeds in favour of non-tribal without obtaining prior permission; however, such an objection, it is contended, bears no nexus whatsoever with the declaration of the petitioner's tribe claim and is therefore legally untenable. It is further submitted that certain adverse entries referred to in the report pertain to persons not shown as blood relatives in the family tree and, as such, have no evidentiary relevance in the present matter.

11. Mr. Kalmegh, further contended that the petitioner's tribe claim is supported by documentary evidence prior to the year 1950 and validity certificates of paternal blood relatives already verified by the vigilance cell, which are binding on the respondent - Committee. Hence, the petitioner is entitled to a caste validity certificate of the 'Thakur' Scheduled Tribe.

12. Learned A.G.P. Mr. Ghurde, appearing on behalf of the respondents, strenuously refuted the submissions advanced on behalf of the petitioner, placing strong reliance upon the observations contained in the Vigilance Cell Report as well as the reasons recorded in the order of invalidation. He contended that, the Vigilance Cell Officer, upon a detailed field inquiry, collected and scrutinized a total of 12 documents from the petitioner's side, including those prior to 1950, and found infirmities and inconsistencies therein. It was further submitted that certain documents, such as the death certificate of Rama Kondji Thakur dated 01.08.1916 and other entries pertaining to Kusna Kondji Thakur, were not supported by any corroborative school or revenue records, nor was independent evidence produced to establish their place in the petitioner's genealogy. The birth records were found to be unclear, lacking the names or identities of the children mentioned, and were thus held to be suspicious.

13. The learned A.G.P. further argued that other records, such as the school entry of the petitioner's cousin grandfather dated 02.07.1923, and entries from 1951 to 2011 relating to the petitioner's grandfather, father, uncle, and the petitioner himself, are of a recent origin and therefore carry only secondary evidentiary value. In many instances, the caste has been recorded as "Maratha", "Marathe" or "Marathe Thakur", and in some documents, the caste column appears to have been tampered with to insert "Thakur" subsequently. Attention was drawn to the finding of the inquiry officer that the petitioner's family has never participated in government cultural programmes or availed tribal hostels and ashram schools meant for Scheduled Tribes, which demonstrates that the petitioner's community has remained in the mainstream and is seeking benefits only due to similarity in nomenclature with genuine tribes. Reliance was placed on the order dated 31.01.1981 passed by the Maharashtra Revenue Tribunal in Appeal No. 58/B-109/81, wherein it was categorically held that the "Thakur" community in Akola district (then

inclusive of Washim) is not recognised as a Scheduled Tribe. It was also pointed out that the petitioner had relied upon the validity certificates of certain paternal cousins; however, during the inquiry, it was revealed that some of those names were later introduced into the genealogy, and that adverse material in their cases was not disclosed before the earlier Committees.

14. The learned A.G.P. thus contended that the Vigilance Cell Report clearly establishes that the petitioner's claim is based on doubtful, uncorroborated, and secondary evidence, and that the petitioner's ancestors have, since as early as 1925, availed benefits akin to advanced castes, without any evidence of living in remote or tribal areas. In view of these findings, the Committee was justified in invalidating the claim. The vigilance reports also note that certain paternal relatives executed sale deeds in favour of non-tribal without requisite permission under the Maharashtra Land Revenue Code, 1966 and the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974, and, in those transactions,

declared themselves as non-tribal. On the basis of such findings, it is contended that the petitioner has utterly failed to discharge the burden of proving his claim, and that the order of invalidation has been passed in strict consonance with law.

15. The Caste Scrutiny Committee has rejected the claim of both the petitioners stating that some of the documents which are of Marathe are suppressed by the petitioners and during the enquiry of vigilance cell, it is found that the entries on 1970, 1920 and 1933 are of Marathe. It appears that the great great grandfather of Tukaram Pandu in Kotwal Book of 29.09.1920 is Marathe. The record shows that the cousin great grandfather of Radho was adopted by one Laxmibai Tukaram Thakur on 2.3.1943 and in said registered adoption deed caste is mentioned as Marathe Thakur, on the basis of said document, the other documents in which the entry of Thakur is mentioned are rejected.

16. The document of 1916 wherein the death registration of the cousin great great grandfather Rama S/o Kondji Thakur, the caste is mentioned as Thakur. Said document is denied by the Committee as name of said person is not mentioned in the genealogical tree. Other entries of death and birth of year 1919, 1942, 1945 and 1946 are not considered as in support of the said entries the other documents are not filed by the petitioners. The Committee has admitted that the entry of 1942 about birth of one male child is mentioned and caste Thakur is mentioned there, however, said document is not considered because the document like school certificate or other document of said child is not produced on record. There are documents where entries of Thakur are mentioned and which are pre-independence era. All these entries are discarded only on the ground that the supporting documents are not filed on record. This cannot be a ground to discard the documents and reject the validity.

17. The petitioners have filed 4 validity certificates issued to the blood relatives. The validity certificate is issued to one

Sunil Thakur, Swapna Ramesh Chavhan, Priti Sunil Chavhan and Avinash Ashok. All these validity certificates are discarded by the Scrutiny Committee stating that the said validity certificates were issued by the Buldhana and Aurangabad Committees. It appears from the record that validity certificates were issued on the basis of the orders of the Court. On perusal of the genealogical tree it appears that the names of all these validity certificate holders are mentioned.

18. Another ground for rejecting the validity certificate to the petitioners is that the affinity was not matched with both the petitioners. As the petitioners have filed on record number of documents and the pre-constitutional documents of Thakur caste and as per the latest judgment of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti V/s. State of Maharashtra and others reported in **2023(2) Mh.L.J.785** the affinity test is not a litmus test. Therefore, when the documents to prove the caste Thakur are on record the Scrutiny Committee cannot invalid the claim on the ground of affinity. As per the judgment of Apoorva

Nichale if the blood relatives have received the validity certificates then the validity certificate is required to be issued. Considering the above said facts, the impugned orders dated 17.9.2024 and 26.9.2024 passed by the Scrutiny Committee are required to be set aside.

19. For the aforesaid reasons, we pass the following order:-

- (i) The petitions are allowed.
- (ii) The orders dated 17.9.2024 and 26.9.2024 passed by the Scrutiny Committee are quashed and set aside.
- (iii) The respondent Committee is directed to issue validity certificates to the petitioners within a period of three months from the date of receipt of this judgment and order.
- (iv) Rule accordingly. No costs.

(MRS.VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)