



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

WRIT PETITION NO. 2774 OF 2022
WITH
WRIT PETITION NO. 5721 OF 2024

WRIT PETITION NO. 2774 OF 2022

- (1) **Shubham Nandkumar Pawar,**
aged 24 years, Occ. Student,
R/o Moti Nagar, Amravati.

- (2) **Snehal Nandkumar Pawar,**
aged 27 years, Occ. M.B.B.S.
passed, R/o Moti Nagar,
Amravati.

.....PETITIONER(S)

// VERSUS //

**The Scheduled Tribes Caste
Certificate Scrutiny Committee,
through its Member Secretary,
Chaprasipura, Amravati.**

.....RESPONDENT(S)

WITH
WRIT PETITION NO. 5721 OF 2024

Ku. Jaya Ramkrushna Pawar
(after marriage Jaya Anilrao
Somwanshi),
aged major, R/o. Angadsingh
layout, Mangrulpir, Tq.
Mangrulpir, District Washim.

.....PETITIONER(S)

// VERSUS //

Scheduled Tribe Caste
Certificate Scrutiny Committee,
through its Member Secretary,
Chaprasipura, Amravati.

.....RESPONDENT(S)

.....
Shri R.S.Parsodkar, Advocate for the Petitioner(s)
Shri A.M. Joshi, AGP for the Respondent
.....

CORAM : M.S. JAWALKAR & PRAVIN S. PATIL, JJ.
CLOSED FOR JUDGMENT ON :- JULY 24, 2025
JUDGMENT PRONOUNCED ON :- AUGUST 12, 2025

JUDGMENT :- (PER:- M.S. JAWALKAR, J.)

. **RULE. Rule made returnable forthwith.** Heard finally by consent of learned Counsel for the respective parties.

(2) Being aggrieved by the impugned orders dated 18/11/2021 (in W.P. No. 2774/2022) and 29/12/2023 (in W.P. No. 5721/2024) passed by the Respondent – Scheduled Tribes Caste Certificate Scrutiny Committee, Amravati (for short, “the Scrutiny Committee”) invalidating the tribe claims of the Petitioners for “Thakur” Scheduled Tribe, the Petitioners have filed the present Writ Petitions.

(3) Since Writ Petition No. 2774/2022 is treated as main Petition, the facts and contentions stated in the said Petition are set out for adjudication of the issue involved in both the Petitions and they are being decided by this common judgment.

(4) In Writ Petition No. 2774/2022, the Petitioners - Shubham and Snehal are brother and sister. In Writ Petition No. 5721/2024, the Petitioner is cousin sister of Snehal and Shubham.

(5) The Petitioners submit that they belong to “Thakur” Scheduled Tribe which is enlisted at Serial No. 44 of the Constitution (Scheduled Tribes) Order, 1950. The Petitioners are conferred with the tribe certificates of “Thakur” Scheduled Tribe on 14/06/2018. The tribe of their father Nandkumar Manikrao is also recorded as “Thakur” Scheduled Tribe in the School Transfer Certificate dated 02/07/1969.

(6) The Petitioners further submit that the tribe of grandfather of the Petitioners - Manikrao is recorded as “Thakur” Scheduled Tribe in the records of the Zilla Parishad Primary School, Ganori which is dated 07/07/1934. So also, the tribe of Manikrao Mahadeo is recorded as “Thakur” Scheduled Tribe in the records of the Primary School, Ganori.

(7) The tribe claims of the Petitioners were submitted to the Scrutiny Committee. Thereafter, the Scrutiny Committee forwarded the same to the Vigilance Cell for enquiry. The Police Vigilance Cell submitted vigilance report to the Scrutiny Committee. According to the Petitioners, the said Police Vigilance Report is totally illegal. In the said report at Serial

No.1 Keshav @ Sheshrao, the tribe of cousin great grandfather is recorded as “Bhat” in 1920. The Scrutiny Committee rejected the tribe claims of the Petitioners by order dated 18/11/2021 on the basis of area restriction, which is absolutely illegal.

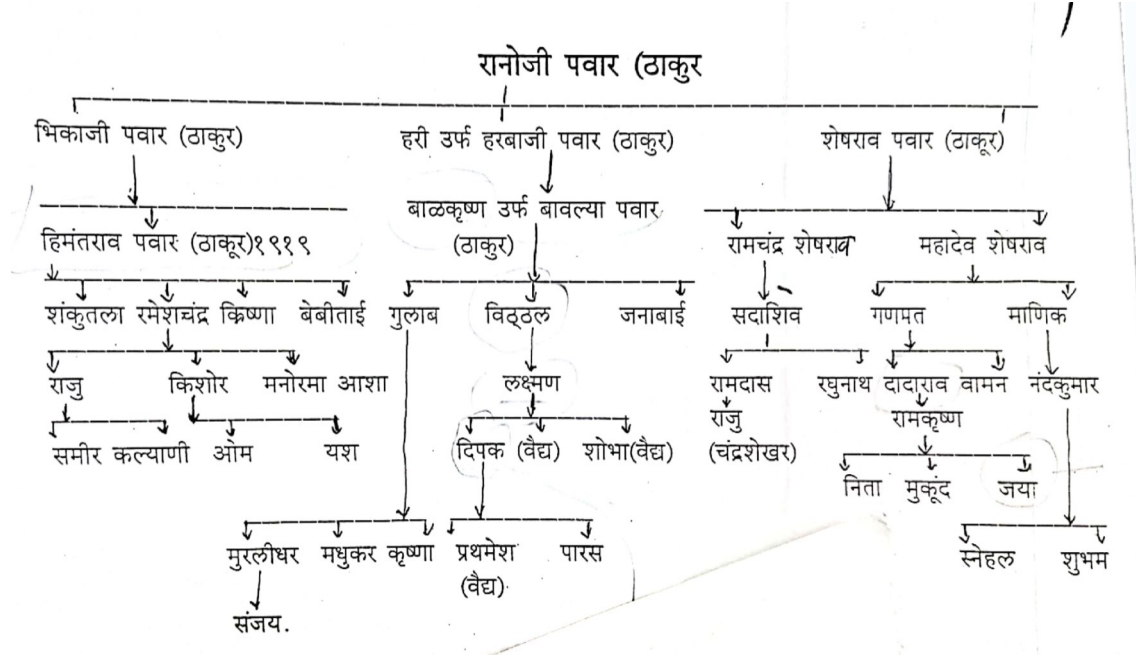
(8) Learned Counsel for the Petitioners submits that the Scrutiny Committee did not consider the oldest documents pertaining to the years 1930, 1934 and 1936 etc. of grandfather, great grandfather etc., which are the oldest entries prior to the independence and have the highest probative value. Surprisingly, the Scrutiny Committee recorded a finding that those documents are consistent with the fact that the Petitioners belong to “Thakur” and not “Thakur” Scheduled Tribe.

(9) Learned Counsel for the Petitioners submits that the Petitioner No. 1 has completed B. Tech. Course in the year 2021, but due to the non-submission of tribe validity certificate, the college has not issued his final year mark sheet, degree certificate and transfer certificate. The degree certificate and final year mark sheet are required to pursue higher education as well as for employment purpose. Therefore, he urgently requires tribe

validity certificate to pursue his education. Insofar as the Petitioner No. 2 is concerned, she has completed M.B.B.S. Course examination in the year 2018. Thereafter, she appeared for postgraduate medical admission in NEET PG in May, 2022. The result of the said examination is declared in June, 2022. For further education and employment purpose, she also urgently requires the certificate of validity. It is further submitted that the tribe of his cousin great grandfather Himmatrao is also recorded as “Thakur” Scheduled Tribe on 02/10/1919.

(10) Learned Counsel for the Petitioners submits that during the tribe claims pending before the Scrutiny Committee, the Petitioners moved to this Court by filling the Writ Petition No. 5480/2018. This Court, by order dated 05/03/2020 directed the Scrutiny Committee to decide the matter within three months. The tribe claims of the Petitioners were invalidated on 18/11/2021 by the Respondent - Scrutiny Committee. The said order dated 18/11/2021 is the subject matter of challenge in the present Writ Petition.

(11) The genealogy tree submitted by the Petitioners to the Scrutiny Committee is as under:-



(12) Learned Counsel for the Petitioners, in support of his contentions, relied on the following citations:-

(a) Palghat Jilla Thandan Samudhaya Samrakshna Samithi & another vs. State of Kerala & another, 1994 1 SCC 359;

(b) Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra & others, (2023) SCC Online SC 326

(13) On the contrary, the learned AGP submits that though the Petitioners have stated that the tribe of great

grandfather Manik Mahadev and Ganpat Mahadev are recorded as “Thakur” Scheduled Tribe on 09.04.1930, 07.07.1934 and 09.03.1936 in the school documents and bonafide certificate, however, upon a detailed inquiry conducted by the Vigilance Officer, the Caste entries of 'Bhat' are found in the Collector Office documents, Birth & Death Extract of years 1920, 1925, 1926, 1927 of the Petitioners great great grandfather, which are the oldest entries. In the Scheduled Tribes list of State of Maharashtra, the 'Thakur' tribe is enlisted at Serial No. 44 as 'Thakur' only and not 'Bhat' and 'Thakur Bhat'.

(14) Learned AGP further contended that in the State of Maharashtra, different “Thakur” tribes are in existence, and every “Thakur” is not a tribe. Hence, “Thakur” entry of tribe in the documents does not necessarily speak of one's social status. Hence, socio-cultural affinity plays a very important role in such cases where there are same names i.e. synonymous caste name with tribe name but having the existence of different social status groups. In the State of Maharashtra, one such example is of 'Thakur' tribe and 'Thakur' high tribe or upper tribe. As per the provisions of Section 8, engrafted in the Maharashtra

Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, the burden to prove tribe claim squarely rests on the shoulders of the claimant. The claimant has to establish and prove that his claim is genuine.

(15) It is further contended that the Scrutiny Committee found that the information furnished by the Petitioners during hearing and during course of vigilance enquiry relating to their customs, socio affinity and the report submitted by the Vigilance Cell Officer clearly shows that the Petitioners could not prove their socio cultural affinity with the "Thakur" Scheduled Tribe. The "Thakur" Scheduled Tribe resides/habitats only in the villages and Talukas of Thane District, Kulaba District, Nashik (only in Nashik Taluka), Pune and Ahmadnagar District only. The residence of Thakur Scheduled Tribe is not traced in Dist. Amravati (Ordinary residence of Petitioners). The Scrutiny Committee has also granted opportunity to the Petitioners to prove their claim, but they have failed to do so. Hence, the impugned orders passed by the Scrutiny Committee are just,

proper and legal, and hence, the Writ Petitions filed by the Petitioners are liable to be dismissed.

(16) We have heard learned Counsel for the Petitioners and learned AGP for the Respondent, perused the impugned order and record and proceedings of the Scrutiny Committee and considered the citations relied on by the Petitioners.

(17) Admittedly, this Court in Writ Petition No. 6015/2022 (Dipak Pawar vs. Scheduled Tribe Caste Certificate Scrutiny Committee & others) has granted validities in favour of the Petitioners. This entry of Bhat of the year 1990 is considered by this Court. There are entries of the years 1916 and 1919 showing the tribes of Himmatrao and Bawlya as Thakur Scheduled Tribe. The Scrutiny Committee has not considered the above judgment of this Court and passed perverse order. In reply to this Vigilance report, it is made clear by the Petitioners that Bhat entries are not from his family. The Scrutiny Committee failed to discuss these documents which are of the years 1916 and 1919. Those documents are earlier in point of time and having more probative value than the subsequent

entries of Bhat. Even it is not made clear how these persons showing entry 'Bhat' are in relation with the Petitioners. The genealogy which was obtained during the Vigilance Cell does not show the name 'Pundlik' (first document showing Bhat entry). There is no person by name Sheshrao Mahadev in the genealogy (second document showing Bhat entry). There is no son by name Keshav Seshrao (third document showing entry of Bhat). Though Sheshrao is in the genealogy of the Petitioner, there are no further details of the said Sheshrao in the 4th entry of Bhat. Thus, most of the entries are not in the blood relations. This aspect is totally ignored by the Scrutiny Committee.

(18) The documents which are prior to 1927 showing the blood relatives of the Petitioner as Thakur were not discussed by the Scrutiny Committee. The Scrutiny Committee, without discussing the old documents having more probative value, discussed the irrelevant things in the impugned orders i.e. as to who has withdrawn their tribe claim of Thakur or whose tribe claims were declared as invalid. Every case has to be assessed on its own merit. In fact, there are consistent entries of 'Thakur' Scheduled Tribe in the documents of forefathers of the

Petitioner. When the High Court has granted validity to the persons in the blood relation of the Petitioners, the Scrutiny Committee ought to have granted the validity certificates to the Petitioners, specifically when the entry of Bhat is considered by this Court in Writ Petition No. 6015/2022.

(19) Learned Counsel for the Petitioners, in support of his contentions, relied on the judgment in the case of **Palghat Jilla Thandan Samudhaya Samrakshna Samithi (supra)** wherein the Hon'ble Apex Court held that the Scheduled Castes Order has to be applied as it stands and no enquiry can be held or evidence led in 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.

(20) Learned Counsel for the Petitioners also relied on the judgment in the case of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra)** wherein the Hon'ble Apex Court, in Paragraph No. 36, has concluded as under:-

“36. Thus, to conclude, we hold that:

(a)

(b) *For the reasons which we have recorded, affinity test cannot be conclusive either way. When an affinity test is conducted by the Vigilance Cell, the result of the test along with all other material on record having probative value will have to be taken into consideration by the Scrutiny Committee for deciding the caste validity claim; and*

(c) *In short, 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.”*

(21) Thus, the area restriction is already removed in 1976 and insofar as the affinity is concerned, the oldest documents of the years 1916 and 1919 of the blood relatives of the Petitioners showing their tribe as ‘Thakur’ Scheduled Tribe require consideration for deciding the tribe claims of the Petitioners.

(22) The Scrutiny Committee, in spite of having knowledge of the above referred judgments, bent upon to invalidate the tribe claims of the Petitioners. In our considered opinion, the Scrutiny Committee has not considered the relevant documents and considered only irrelevant documents and

material to invalidate the tribe claims of the Petitioners and hence, impugned orders need to be quashed and set aside.

ORDER

- (a) The Writ Petitions are **allowed**.
- (b) The impugned order dated 18/11/2021 in Case Nos. 5/503/Edu./072019/148870 & 5/503/Edu/072019/148869 and the impugned order dated 29/12/2023 in Case No. 5/503/Preser/012020/162449 passed by the Respondent – Scheduled Tribes Caste Certificate Scrutiny Committee, Amravati are hereby quashed and set aside.
- (c) It is declared that the Petitioners have duly established that they belong to ‘Thakur’ Scheduled Tribe. The Respondent – Caste Scrutiny Committee is hereby directed to issue validity certificates to the Petitioners as they belong to ‘Thakur’ Scheduled Tribe within a period of two weeks.

- (d) The Petitioners can rely on the copy of this judgment, if required, till the validity certificates are issued to them.

Rule is made absolute in the above terms. Pending Application(s), if any, stand(s) **disposed of.**

(PRAVIN S. PATIL, J.)

(M.S. JAWALKAR, J.)