



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

WRIT PETITION NO. 4888 OF 2025

with

WRIT PETITION NO. 4889 OF 2025

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WRIT PETITION NO. 4888 OF 2025

PETITIONER

: Madhu D/o Ramesh Rao Magar,
Age 30 years, Occu. Service,
R/o Meghdoot Apartment,
Mangalmurti Nagar, Wadgaon,
Arni Road, Yavatmal.

VERSUS

RESPONDENTS

- : 1] Scheduled Tribe Caste Certificate Scrutiny
Committee, Yavatmal
Sai Uttam Villa, House No.3,
Near Rangoli Ground, Shastri Nagar,
Yavatmal – 445 001,
through its Member Secretary.
- 2] Commissioner of Medical Education,
Research and Ayush, Maharashtra State,
4th Floor, Government Dental College
and Hospital, St. George Hospital Compound,
Fort, Mumbai – 400 001.
- 3] Vasantrao Naik Government Medical College
and Hospital, Yavatmal,
through its Dean.

With

WRIT PETITION NO. 4889 OF 2025

PETITIONER

: Ayodhya D/o Ramesh Rao Magar,
Age 32 years, Occu. Service,
R/o Meghdoot Apartment,
Mangalmurti Nagar, Wadgaon,
Arni Road, Yavatmal.

VERSUS

RESPONDENTS : 1] Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal
Sai Uttam Villa, House No.3,
Near Rangoli Ground, Shastri Nagar,
Yavatmal – 445 001,
through its Member Secretary.

2] Zilla Parishad, Akola,
through its Chief Executive Officer.

Mr. A. P. Kalmegh, Advocate for the petitioners
Mr. A. V. Palshikar, A.G.P. for respondent nos.1 to 3 in WP 4888/25
and for respondent no.1 in WP 4889/25.

CORAM : SMT. M. S. JAWALKAR and
M. W. CHANDWANI, JJ.
DATE : DECEMBER 15, 2025.

ORAL JUDGMENT : (Per M.W.Chandwani, J.)

1. **RULE.** Rule made returnable forthwith. Heard finally By consent of the learned counsels appearing for the parties.

2. Since, both these writ petitions arise out of a common order passed by respondent no.1, they are being disposed of by this common judgment.

3. By these petitions, the petitioners challenge the order dated 14.08.2025 passed by the respondent no.1 – Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal (hereinafter referred

to as “the Committee”), thereby invalidating the caste claim of the petitioners that they belong to “Thakur” (Scheduled Tribe).

4. The petitioners in both these petitions are real sisters. They claim to be belonging to “Thakur” (Scheduled Tribe), which is enlisted at Sr. No. 44 of the List of Scheduled Tribes under the Constitution (Scheduled Tribes) Order, 1950. They are serving on the posts reserved for Scheduled Tribes. Therefore, their caste claim was referred to the Committee for verification. The petitioners in support of their caste claim have filed common documents since the year 1909 pertaining to themselves and their forefathers showing the caste as “Thakur” (Scheduled Tribe). A list of the documents relied upon by the petitioners is reproduced below :

अ. क्र.	उपलब्ध पुरावा	नाव	अर्जदाराशी रक्त नाते	पुराव्यात नमूद जात	पुराव्याचे वर्ष व दिनांक
1.	जन्म रजिस्टर नक्कल, मौजा लोणी, ता. आर्णी, जि. यवतमाळ	चिंतामन ठाकुर यास एक पुरुष अपत्य झाल्याची जन्मनोंद.	पंजोबा	ठाकुर	21.10.1910
2.	जन्म रजिस्टर नक्कल, मौजा लोणी, ता. आर्णी, जि. यवतमाळ	नारायण ठाकूर यास एक पांडुरंग नावाचे अपत्य झाल्याची जन्मनोंद.	आजोबा	ठाकुर	11.12.1929
3.	जन्म रजिस्टर नक्कल, मौजा लोणी, ता. आर्णी, जि. यवतमाळ	नारायण चिंतामण ठाकूर यास एक पुरुष अपत्य झाल्याची जन्मनोंद.	आजोबा	ठाकुर	05.10.1942
4.	शालेय पुरावा, जि. प. प्राथ. मराठी शाळा, लोणी, ता. आर्णी जि. यवतमाळ,	नारायण चिंतामण	आजोबा	ठाकुर	01.08.1909
5.	शालेय पुरावा, जि. प. केंद्रीय प्राथ. मराठी शाळा, लोणी, ता.	रमेश नारायण मगर	वडोल	ठाकूर	01.07.1966

	आर्णी जि. यवतमाळ,				
6.	शालेय पुरावा, जि. प. प्राथ, मराठी शाळा, लोणी, ता. आर्णी जि. यवतमाळ.	कृष्णाजी चिंतामण	चुलत आजोबा	ठाकूर	01.02.1920
7.	शालेय पुरावा, के. खा. भाऊसाहेब देवराय पाटील उच्च प्राय व माध्य. विद्यालय, वडगांव रोड, यवतमाळ जि.यवतमाळ,	कु. मधु रमेशराव मगर	अर्जदार क्र.1	ठाकूर	19.07.2005
8.	शालेय पुरावा, महावीर प्राथ. शाळा, वाघापूर, ता. जि. यवतमाळ	कु. अयोध्या रमेशराव मगर	अर्जदार क्र. 2	ठाकूर	05.07.2001
9.	शालेय पुरावा, जि. प प्राथ. केंद्रशाळा, लोणी, ता. आणी, जि. यवतमाळ	शोभा नारायण मगर	आत्या	ठाकूर	09.07.1958
10.	महसूल अभिलेख सात बारा नक्कल प्रत	1. सुनंदा रमेश मगर 2. रमेश नारायणराव मगर	1. आई 2. वडील	ठाकूर	26.12.2023
11.	नमुना 25 ची नक्कल	पांडूरंग नारायण मगर	काका	ठाकूर	01.07.1951

5. The Committee referred the case of both the petitioners for Vigilance enquiry. In Vigilance enquiry, four documents of the relatives of the petitioner were procured by the Vigilance Cell showing their caste as “Bhat”. The documents procured by the Vigilance Cell are as under :

अ क्र	उपलब्ध पुरावा	नाव	अर्जदाराशी रक्त नाते	पुराव्यात नमूद जात	पुराव्याचे वर्ष व दिनांक	
1.	शालेय पुरावा, जि. प. प्राथ. मराठी शाळा, प. स. लोणी, ता. आर्णी जि. यवतमाळ.	पांडुरंग नारायण	मोठे वडील	भाट	02.07.1949	इयत्ता सातवी मध्ये प्रवेश
2.	शालेय पुरावा, लोकमान्य टिळक प्राथ. शाळा, न. प. वर्धा, जि. वर्धा.	कु. सुनंदा पांडूरंगजी बावीसकर	आई	भाट	सन 1969	
3.	शालेय पुरावा, लोकमान्य टिळक प्राथ. शाळा, न. प. वर्धा, जि. वर्धा.	कु. रेखा पांडूरंगजी बावीसकर	मावशी	भाट	सन 1969	
4.	शालेय पुरावा, लोकमान्य टिळक प्राथ. शाळा, न. प. वर्धा, ता. जि. वर्धा.	कु. उषा पांडूरंग बावीसकर	मावशी	भाट	01.07.1974	

6. It appears that the Committee discarded the documents at Sr. Nos.2 and 3 referred in para no.4 and relied on the contra entries in the documents referred in para no.5 as “Bhat”, thereby invalidating the caste claim of the petitioners by the impugned order which is under challenge in these petitions.

7. We have heard Mr. A. P. Kalmegh, learned counsel appearing for the petitioners and Mr. A. V. Palshikar, learned Assistant Government Pleader appearing for the respective respondents. We have gone through the record and proceedings as well as the impugned order.

8. Perusal of the impugned order reveals that almost 31 documents were relied upon by the petitioners. The oldest document dated 01.08.1909 is the school record in respect of the grandfather of the petitioner namely Narayan Chintaman. The school authorities certified orally during the Vigilance enquiry that the said entry was originally written in Modi language and thereafter, it was translated thereby showing that the said entry is in respect of Narayan Chintaman showing his birth date as 01.08.1909. This document was discarded by the Committee only on the ground that the details of

the translator have not been mentioned by the School. However, merely because the school authority did not mention the details of the translator of the document, the Committee should not have discarded this oldest document.

9. The document dated 21.10.1910 which is the birth extract of a son born to the great-grandfather of the petitioner has been discarded by the Committee only on the ground that the name of the son is not mentioned. It is to be noted that in Hindu tradition, the '*Namkaran*' ceremony to decide the name of the child is performed after a few days of the birth of the child, and therefore, the entries in the record are mentioned as male or female. This aspect was ignored by the Committee. Further, merely because the name of the great-grandfather 'Chintaman' is not written in this document, it cannot be discarded particularly when this birth extract is in respect of village Loni where the great-grandfather of the petitioner was residing.

10. Another document dated 01.02.1920 is the school record of the cousin grandfather of the petitioner namely Krishnaji Chintaman showing the caste as "Thakur". The Committee has

discarded the said document on the ground that the affidavit on the basis of which the entry was taken into consideration has not been found.

11. Another document dated 11.12.1929 is the birth extract of the son namely Pandurang born to Narayan Thakur, the grandfather of the petitioner showing the caste as “Thakur”. The Committee discarded this document on the ground that the date of birth of the son, namely Pandurang mentioned in the Birth Registrar extract and the school record is a mismatch. It is a matter of common parlance that in earlier days, children were not admitted in schools until they attain a particular age, therefore, in those days people used to show their child older than the actual age for getting admission. Perhaps, that may be the reason for entering the date of birth of Pandurang as 09.02.1929 in the school record.

12. That apart, there is another document i.e. the birth extract of the second son being born to Narayan Chintaman, the grandfather of the petitioner showing the date of birth as 05.10.1942. The Committee discarded this document only on the ground that the name of the son has not been mentioned in the birth extract. But the

fact remains that this entry clearly demonstrates a son was born to Narayan Chintaman and the caste is shown as “Thakur”. That apart, merely because name of the son born to Narayan Chintaman has not been mentioned in the birth extract, the Committee should not have discarded the said document for the simple reason that as soon as the child is born, an entry is taken in the birth register and the name of the child is decided afterwards in the naming ceremony (Namkaran).

13. Now, we deal with the documents mentioned in the table in para no. 5, which is obtained by the Vigilance Cell having a contra entry in the school record. Out of these four documents, three documents pertain to the mother and maternal aunts of the petitioners of the years 1969 and 1974. As such these documents are of the maternal side. In our opinion, the Committee has ignored the relevant provisions of the Maharashtra Scheduled Caste, 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, according to which only paternal documents are to be relied for validation of a caste claim, but the Committee has erroneously relied on the documents of the maternal side.

14. What remains is one contra entry in para no.5 which is the school record of Pandurang Narayan dated 02.07.1949. Having considered consistent documents of the years 1909, 1910, 1920, 1929 and 1942 which show the caste of the forefathers of the petitioners as “Thakur” (Scheduled Tribe), these documents also being the oldest documents have more probative value than the school record of Pandurang Narayan dated 02.07.1949. The Committee has not considered all these aspects while deciding the caste claim of the petitioners.

15. Having considered the voluminous documents, more particularly pre-constitutional documents of the years 1909, 1910, 1920, 1929 and 1942 and based on the independent documents showing the caste of the petitioners and their forefathers as “Thakur” (Scheduled Tribe), we are of the opinion that the Committee should not have invalidated the caste claims of the petitioners. In view of the above, we find that the impugned order does not stand to the scrutiny and the same needs to be quashed and set aside.

16. Accordingly, the writ petition is allowed.

(i) The impugned order dated 14.08.2025 passed by respondent no.1 – The Scheduled Tribe Caste Certificate Scrutiny

Committee, Yavatmal in Case Nos. 11/510/Ser/042024/69076 and 11/510/Ser/092024/ 110565, is quashed and set aside.

(ii) It is declared that the petitioners belong to “Thakur” (Scheduled Tribe).

(iii) The respondent no.1 – Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal is directed to issue Validity Certificates in favour of the petitioners, within two months from the date of receipt of this order.

17. Rule is made absolute in the aforesaid terms. The writ petitions stand disposed of. No order as to the costs.

(M.W.CHANDWANI, J.)

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

Diwale