IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4222 OF 2014

Chandrajeet S/o. Jaysing Thakur,
Age : 28 years, Occu. : Service,
R/o. : Plot No. 69-D, Jai-Vijay Gondur Road,
Sastang Colony, Deopur, Dhule. .. Petitioner

Versus

1. The State Of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.

2. The Scrutiny Committee for
Verification of the Scheduled Tribe
Certificates, Nandurbar,
District Nandurbar
Through its Member Secretary. .. Respondents

Mr. Mohit S. Shah, Advocate for Petitioner.
Mr. P. K. Lakhotiya, AGP for Respondent Nos. 1 & 2.

CORAM : KISHORE C. SANT AND
JITENDRA JAIN, JJ.

DATE : 06th OCTOBER, 2026.

ORAL JUDGMENT :-

1. Heard learned advocate for the petitioner and learned A.G.P. for the respondents.

2. Rule. Rule made returnable forthwith. Taken up for final disposal by consent of the parties.

3. The petitioner has approached this Court challenging a judgment and order dated 03.01.2012 passed by the respondent No. 2 – committee thereby invalidating the claim of the petitioner as belonging to Thakur, Scheduled Tribe. While deciding the tribe claim the committee has observed only two things i.e. (i) the petitioner failed in affinity test and (ii) the petitioner comes from area where no persons from Thakur community are found. The committee's observation that mere word of 'Thakur' is not sufficient to prove caste. There is surname Thakur found even in open categories and therefore, affinity test was necessary.

4. The learned advocate for the petitioner vehemently argued that the affinity test is not a litmus test as held by the Hon'ble Apex Court in the case of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti And Others Vs. The State of Maharashtra And Others***[1]. So far as area restriction is concerned that is also lifted by the judgment of the Hon'ble Apex Court in the case of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti And Others (supra)***. The learned advocate further submits that there are already two validities granted in favour of cousin brothers namely Sunil Suryawanshi and Vijay Suryawanshi. The

1 2023 (2) Mh.L.J. 785.

relationship is not at all disputed. He thus prays for allowing the writ petition.

5. The learned A.G.P. opposes the petition. He submits that the burden of proof to prove the caste or tribe is totally upon the claimant. It was necessary for the petitioner to prove his case beyond reasonable doubt.

6. This Court has seen the record available with the petition. It is shown by the learned advocate for the petitioner that the grandfather of the petitioner namely Kashiram Jamsing Thakur was admitted to the school at Chilane, Taluka Shindkheda, District Dhule. The learned advocate relied upon the school leaving certificate wherein, caste of the deceased Kashiram is shown to be Thakur. His date of birth is shown to be 14.01.1914. The document is thus of pre-independence era and needs to be taken as it is. Other document he relied upon is that the petitioner's caste is shown to be Hindu Adiwasi Thakur, Anusuchit Jamati in the school register. The committee merely on the affinity test and area restriction has dismissed the claim. Sunil Suryawanshi and Vijay Suryawanshi have in fact filed affidavit before the committee stating the relation with the petitioner. There was no any contra

entry found. No any other material was brought on record to dislodge the claim of the petitioner as being Thakur.

7. Considering all above, this Court finds that, a case is made out to allow the petition.

8. The writ petition stands allowed.

9. The judgment and order dated 03.01.2012 passed by Scrutiny Committee/respondent No. 2 stands quashed and set aside.

10. The petitioner is held to be belonging to Thakur, Scheduled Tribe. The respondent No. 2 – Scrutiny committee shall forthwith issue certificate to the petitioner as Thakur, Scheduled Tribe.

11. Rule is made absolute in above terms.

(JITENDRA JAIN, J.) **(KISHORE C. SANT, J.)**

P.S.B.