



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 278 OF 2025

Sarala Ravindranath Mahale @
Sarala Devendra Bagul
Age-48 Years, Occu – Service,
R/o. Plot No. 2, Shyam Paradise Apartment
Ashok Marg, Behind IDBI ATM,
Nashik Dist. Nashik.

...Petitioner

VERSUS

1. The State of Maharashtra
Through its Secretary,
Tribal Development,
Mantralaya Mumbai.
2. The Scheduled Tribe,
Certificate Scrutiny Committee,
Nandurbar through its Member Secretary
having its office at Sakri Road,
Near R.T.O. Nandurbar Dist. Nandurbar
3. The Zilla Parishad Nashik
through its Chief Executive Officer
having its office at Nashik
District Nashik
4. The Executive Magistrate
Jalgaon District Jalgaon.

...Respondents

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Mr. Anandsingh S. Bayas, Advocate for the Petitioner.
Mrs. M.N. Ghanekar, AGP for Respondent Nos. 1, 2 & 4.
Mr. V.C. Patil h/f Mr. U. B. Bondar for Respondent No 3.

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CORAM	: SANDIPKUMAR C. MORE AND ABASAHEB D. SHINDE, JJ.
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Reserved on	: 06.05.2026
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Pronounced on	: 09.06.2026
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JUDGMENT (PER : ABASAHEB D. SHINDE, J.) :

1. Heard.

2. Rule. Rule is made returnable forthwith. With the consent of the parties Writ Petition is taken up for final hearing at the stage of admission.

3. By this Writ Petition filed under Article 226 of the Constitution of India, the petitioner has put forth the following prayers : -

a. *That this Hon'ble Court be pleased to issue Writ of Certiorari and/or any other Writ, Order or Direction in the nature of Certiorari thereby quashing and setting aside the impugned judgement and order dated 20.06.2019 passed by the Respondent No.2 committee,, Exhibit "A" to this writ petition, with further direction to Respondent No.2 committee to issue Certificate of Validity in respect of caste certificate dated 24.12.1987 issued by the respondent no.4 competent authority of jurisdiction in favour of the petitioner.*

b. *That this Hon'ble Court be pleased to hold and declare that the petitioner belongs to Thakur, scheduled tribe community, listed at entry no.44 of the Second Schedule, Part IX of the Amending Act no. 108 of 1976 and that the caste certificate dated 24.12.1987 issued to the petitioner by Respondent No.4 competent authority of jurisdiction is valid, legal and subsisting.*

c. *That this Hon'ble Court be pleased to quash and set aside the order dated 01.07.2017 passed by the Respondent No.3 terminating services of the petitioner with further direction to the Respondent No. 3 to reinstate the petitioner with all consequences.*

d. *Pending hearing and final disposal of this petitioner, execution, implementation, operation and effect of the impugned judgment and order dated 20.06.2019, Exhibit "A" to this writ petition, passed by the Respondent No. 2 Committee be kindly ordered to be stayed.*

e. *Pending hearing and final disposal of this petition, the order of termination dated 01.07.2017 passed by the Respondent no. 3, be kindly ordered to be stayed.*

f. *Ad-interim /interim relief in terms of prayer clause c and (d) and (e) above be kindly granted.*

g. *Such other and further relief as this Hon'ble Court may deem fit.*

4. Learned Counsel for the petitioner submits that, the petitioner has submitted her tribe certificate of belonging to 'Thakur' Scheduled Tribe issued by the competent authority for its verification to the Respondent No. 2/Scrutiny Committee. He submits that, the petitioner has produced voluminous documents in support of her tribe claim of belonging to 'Thakur' Scheduled Tribe which are as follows:

Sr.No.	Name of Document	Name of the Document Holder	Relation with Applicant	Caste	Date
1.	School Record Z.P. Shindkheda, Dist. Dhule	Totaram Bharta	Grandfather	Thakur	05.01.1914
2.	School Record Z.P. Shindkheda, Dist. Dhule	Kalusing Narayansing Bramhabhat	Second Cousin Brother	Thakur	14.09.1920
3.	School Record Municipal Corporation School Jalgaon, Dist. Jalgaon	Sarla Ravindranath Mahale	Applicant	Hindu Thakur Backward S.T.	09.07.1981

5. He would submit that, despite having produced oldest documents of pre-constitutional era having higher probative value, the Respondent No.2/Scrutiny Committee discarded these documents solely on the basis of subsequent contra entries as well on the ground that the 'Thakur' caste is also synonyms to other upper caste and therefore, it cannot be ascertained from the documents produced by the petitioner that the 'Thakur' caste which the petitioner belongs to is Scheduled Tribe. He would further submit that, the Respondent No.2/Scrutiny Committee also committed an error by laying emphasis on the affinity test to invalidate the tribe claim of the petitioner. He therefore, urged for allowing the Writ Petition by setting aside the impugned order.

6. Per contra, learned AGP would submit that though the petitioner placed on record the aforesaid documents, however, during the vigilance cell inquiry, documents pertaining to school record of blood relatives of the petitioner namely Devising Narayansing Bramhabhat dated 04.02.1928 and Jatesing Narayansing dated 18.04.1933 were found showing their caste as 'Bramhabhat'. She therefore, submits that, these contra entries have been rightly considered by the Respondent No. 2 Scrutiny Committee to invalidate the tribe claim of the petitioner. She invited attention of this Court to the documents collected during the vigilance cell enquiry which are as follows :

Sr. No.	Type of Document	Name of the Document Holder	Relation with Applicant	Caste	Date
1.	School Record Z.P. Shindkheda, Dist. Dhule	Devising Narayansing Bramhabhat	Second Cousin Brother	Hindu Bramhabhat	04.02.1928
2.	School Record Z.P. Shindkheda, Dist. Dhule	Udesing Narayansing Bramhabhat	Second Cousin Brother	Hindu Bhat	20.06.1928
3.	School Record Z.P. Shindkheda, Dist. Dhule	Jatesing Narayansing	Second Cousin Brother	Bramhabhat	18.04.1933
4.	School Record Z.P. School Ambapur, Tq. Shahada, Dist. Nandurbar	Ravindranath Totaram Mahale	Father	Hindu Thakur	16.04.1949

7. She would further submit that, the petitioner also failed in affinity test as she could not satisfy the aspect with regard to Anthropological traits, Ethnic linkage, Dialect as well as place of residence. She strenuously contend that if the claimant fails to produce the oldest documents of pre-constitutional era or if the documents produced by the claimant are found insufficient to ascertain the caste/tribe claim, the Scrutiny Committee would be justified in relying upon the affinity test.

She thus, submit that the petitioner has failed in affinity test to substantiate that the petitioner belongs to 'Thakur' Scheduled Tribe. She therefore, urge that the Writ Petition is devoid of any substance and the same deserves to be dismissed.

8. Having considered the rival submissions of learned counsel for the petitioner as well as learned AGP, we find that, the petitioner has placed on record the pre-constitutional documents i.e school record of his Grandfather, Totaram Bharta dated 05.01.1914 and second cousin Brother, Kalusing Narayansing Brahmabhat dated 14.09.1920. In both these documents, the caste mentioned is 'Thakur'. We find that in vigilance cell enquiry, the vigilance cell did not express anything adverse about these documents. The Respondent No. 2 Scrutiny committee however relied on two (2) documents in the nature of school record of petitioner's blood relatives namely (i)Devising Narayansing Bramhabhat dated 04.02.1928 and (ii)Jatesing Narayansing dated 18.04.1933 showing their caste as 'Bramhabhat'. We find that, these two adverse entries are tried to be shown as incriminating factor against the petitioner.

9. In that regard, learned counsel for the petitioner has relied on the order passed by the Hon'ble Apex Court dated 29.11.2017 in the case of Veena Ashok Godse @ Veena Hemant Sonawane vs. State of Maharashtra and Ors. in Civil Appeal No.19968 of 2017 wherein while dealing with almost similar issue, the Hon'ble Apex Court has observed thus :

“ The appellant herein belongs to 'Wani' community which falls under 'Other Backward Classes' category. The appellant has relied upon the documents issued by Zilla Parishad Primary School, Jeur (B) District Ahmednagar in the year 1922 which is a School Leaving Certificate in the name of Shankar Mahadev Godase wherein the caste of the appellant's great grandfather was mentioned as 'Hindu Wani'. The appellant has also relied upon the certificate issued by the authorities in respect of her cousin uncle, grandfather and cousin grandfather and her sister wherein

the caste has been recorded as 'Wani' Merely because her grandfather subsequently in the year 1944 got his caste mentioned as 'Kulwant Wani' and accordingly father of the appellant and brothers of the appellant had also mentioned caste as 'Kulwant Wani', it does not mean that the appellant would become a member of the 'Kulwant Wani' caste. For the simple reason that they are the off springs of her great grandfather who had been recorded as belonging to 'Hindu Wani' caste in the year 1922 as per the School Leaving Certificate issued.

We may mention here that this Court in the case of Anand v. Committee for Scrutiny and Verification of Tribe Claims and others reported in (2012) 1 SCC 113 in paragraph 22 has specifically held that while dealing with documentary evidence, greater reliance may be placed on pre-Independence documents because they furnish a higher degree of probative value to the declaration of caste, as compared to post-Independence status of documents.

The document furnished in respect of great grandfather is of the year 1922 and therefore it has to be relied upon. Likewise, the observation made by the High Court that as the appellant is married in a caste which is not known, may be forward class that does not hold the field."

11. We thus find that when the documents pertaining to pre-constitutional era of the year 1914 and 1920 shows the caste of petitioner's forefathers of belonging to 'Thakur' Scheduled Tribe, the subsequent entries of the year 1928 and 1933 in respect of petitioner's other blood relatives showing their caste as 'Brahmbhat' does not mean that the petitioner would become a member of said 'Brahmbhat' caste. This is for a simple reason that earlier two documents which are in favour of the petitioner that too of pre- constitutional era will definitely have a higher degree of probative value than the subsequent documents. We thus, find that the case of the petitioner is squarely covered by the observations of the Hon'ble Apex Court in the case of ***Veena Ashok Godse @ Veena Hemant Sonawane (supra)***.

12. Though it is sought to be contended by learned AGP that merely placing reliance on the documents showing the caste as 'Thakur' ipso facto does not mean that the petitioner belongs to 'Thakur' Scheduled Tribe when 'Thakur' caste is also shown in Upper Caste however, the coordinate bench of this Court in the case of ***Lahu Dashrath Thakur vs.***

Scheduled Tribe Certificate Scrutiny Committee, Nandurbar Region Nandurbar and others decided on 11.03.2025 in ***Writ Petition No.9283 of 2012*** relying on the judgment of this Court in the case of ***Ravindra Pralhadrao Khare vs. State of Maharashtra and Others*** in Writ Petition No. 11241 of 2012, has dealt with the similar issue. The relevant observations of this Court in the case of ***Lahu Dashrath Thakur (supra)*** and more particularly paragraph No.9 reads thus :

“9.

*In this regard, a useful reference can be made to the decision of the Division Bench in the matter of **Ravindra Pralhadrao Khare Vs. State of Maharashtra and Others**, in Writ Petition No.11241/2012. The coordinate bench had occasion to deal with the issue that if only Thakur is mentioned as caste in pre-constitutional document, then what would be the consequences. We reproduce paragraph nos. 3, 4, 5 and 6:*

3. We have carefully considered the submissions. It will be necessary to make a reference to the impugned judgment and order. The Caste Scrutiny Committee has referred to the school record of the Petitioner's father which discloses that in the year 1948, his caste was recorded as "Thakur". The Scrutiny Committee has also referred to the death extract of the grand father of the Petitioner which shows that in the year 1947, his caste has been shown as "Thakur". The third important document referred to by the Scrutiny Committee is the service book of the Petitioner's father which shows that his caste was "Thakur". These three documents have been brushed aside by the Scrutiny Committee by making following observations:

As said earlier, the only caste entry as Thakur does not clarifies whether the incumbent belongs to Thakur, Scheduled Tribe or Thakur, non-tribal group. Hence, though the document is oldest, the same cannot be treated as conclusive in nature while determining the tribe claim of the applicant.

4. We fail to understand as to how the Caste Scrutiny Committee expects, the documents of the years 1947-1948 to mention as to whether the caste "Thakur" belongs to the category of Scheduled Tribe or the category of non-tribal. In the years 1947-1948, such entries could not have been made. Another finding recorded by the Tribunal is that the Petitioner could not establish his affinity to the caste and to the area. On this aspect, it will be necessary to make a reference to what is held by the Apex Court in the case of Anand (supra) in Paragraph 22. The Paragraph 22 of the said decision reads thus:

"18. It is manifest from the afore-extracted paragraph that the genuineness of a caste claim has to be considered not only on a thorough examination of the documents submitted in support

of the claim but also on the affinity test, which would include the anthropological and ethnological traits etc., of the applicant. However, it is neither feasible nor desirable to lay down an absolute rule, which could be applied mechanically to examine a caste claim. Nevertheless, we feel that the following broad parameters could be kept in view while dealing with a caste claim:

(i) While dealing with documentary evidence, greater reliance may be placed on pre Independence documents because they furnish a higher degree of probative value to the declaration of status of a caste, as compared to post Independence documents. In case the applicant is the first generation ever to attend school, the availability of any documentary evidence becomes difficult, but that ipso facto does not call for the rejection of his claim. In fact the mere fact that he is the first generation ever to attend school, some benefit of doubt in favour of the applicant may be given. Needless to add that in the event of a doubt on the credibility of a document, its veracity has to be tested on the basis of oral evidence, for which an opportunity has to be afforded to the applicant;

(ii) While applying the affinity test, which focuses on the ethnological connections with the scheduled tribe, a cautious approach has to be adopted. A few decades ago, when the tribes were somewhat immune to the cultural development happening around them, the affinity test could serve as a determinative factor. However, with the migrations, modernisation and contact with other communities, these communities tend to develop and adopt new traits which may not essentially match with the traditional characteristics of the tribe. Hence, affinity test may not be regarded as a litmus test for establishing the link of the applicant with a Scheduled Tribe. Nevertheless, the claim by an applicant that he is a part of a scheduled tribe and is entitled to the benefit extended to that tribe, cannot per se be disregarded on the ground that his present traits do not match his tribes peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. Thus, the affinity test may be used to corroborate the documentary evidence and should not be the sole criteria to reject a claim."

5. The Apex Court has held that the affinity test may be used to corroborate the documentary evidence but should not be the sole criteria to reject the caste claim.

6. In the present case, three material documents which we have referred to earlier have been brushed aside by the Scrutiny Committee by recording reasons which are not at all justified and thus, the claim is rejected primarily on the basis of the affinity test. In view of the law laid down by the Apex Court in the case of Anand (supra), only on the basis of the affinity test, the caste claim of the Petitioner could not have been rejected."

13. It would also be apt to refer to paragraph No.10 of the Judgment of ***Lahu Dashrath Thakur (supra)*** which reads thus :

“10. The present case is squarely covered by the principles laid down by the coordinate bench referring to the decision of Supreme Court in the matter of Anand Vs. Committee for Scrutiny and Verification of Tribe Claims and Others (supra). Even reliance on the affinity test cannot be a sole criteria to reject the claim. The finding recorded by the Committee for discarding the pre-constitutional record is perverse which is appearing on page no.48 of the paper-book.”

14. As far as submission of learned AGP regarding various categories of Scheduled Tribe with synonymity is concerned, no doubt the Scrutiny Committee has relied on five categories of caste ‘Thakur’ however, we are concerned with Serial No.1 as it refers to ‘Thakur’ which is found at Serial No.44 of the Constitutional Order. Serial Nos.2 and 3 are ‘Thakar’ and therefore, they are irrelevant. Serial Nos.4 and 5 refers to ‘Thakur’ of upper caste or some other caste.

15. With regard to the aforesaid aspect, we are of the considered view that, there was no occasion for either the petitioner or his forefathers to fraudulently record their caste as ‘Thakur’ so as to claim themselves of belonging to Scheduled Tribe ‘Thakur’. In the light of documents of pre-constitutional era, we are of the considered view that the petitioner and his forefathers have to be treated as Scheduled Tribe ‘Thakur’ more so in the absence of any material to show that they belong to the upper caste ‘Thakur’. We have already held that, subsequent entries showing the caste of the petitioner’s blood relative as ‘Bramhabhat’ cannot discard the previous entries showing the caste of petitioner’s forefathers as ‘Thakur’ Scheduled Tribe.

16. Last but not the least, to buttress his submission that the Scrutiny Committee can take the affinity test as one of the relevant factor while invalidating the tribe claim. Learned AGP has placed reliance on the Judgment of the Hon'ble Apex Court in the case of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and Ors.*** reported in **2023 (16) SCC 415** as well as the subsequent order passed by the Hon'ble Apex Court dated 12.12.2025 in ***Civil Appeal No. 2502 of 2022*** in the case of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and Ors.,***

17. In that regard, it would be profitable to rely on the observations of the Hon'ble Apex Court in the case of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti*** (*supra*) and more particularly in paragraph No. 21 which reads thus:

"21. In the impugned judgment in Civil Appeal No. 2502 of 2022 (Shilpa Vishnu Thakur's case)", the Full Bench of the Bombay High Court has noted that people having the surname "Thakur" belong to both forward castes and various backward castes. Therefore, the Full Bench may be right in saying that in every case, only on the basis of the surname Thakur, it cannot be concluded by the Scrutiny Committee that the applicant belongs to Scheduled Tribe Thakur notified in the Entry 44 of the Maharashtra list. However, we must note that in the case of a person having the surname Thakur, there may be evidence in the form of entry of the name of the caste as a Tribe or Scheduled Tribe in the land records, school or college records or any official records concerning the applicant or his ancestors. Only on the ground that the persons having the surname Thakur may belong to a forward caste as well, it is not necessary that in every case, the Scrutiny Committee should send the case to Vigilance Cell. It all depends on the nature of the documents produced before the Caste Scrutiny Committee and the probative value of the documents. Therefore, whenever a caste claim regarding Thakur Scheduled Tribe is considered, the Caste Scrutiny Committee in every case should not mechanically refer the case to the Vigilance Cell for conducting an enquiry including affinity test. The reference to the Vigilance Cell can be made only if the Scrutiny Committee is not satisfied with the material produced by the applicant."

18. It is clear from the aforesaid observations of the Hon'ble Apex Court that it would depend on the nature of the document produced before the Scrutiny Committee for referring the matter to the vigilance cell enquiry. We have already observed that the documents pertaining to the year 1914 and 1920 cannot be brushed aside which unequivocally shows the tribe claim of petitioner's forefathers of pertaining to 'Thakur' Scheduled Tribe. In that view of the matter we find that, the affinity test could not have been applied as a sole criteria for invalidating the tribe claim of the petitioner. We therefore, do not find any substance in submissions of the learned AGP in that regard.

19. In view of above discussion, we find that the Respondent No.2/Scrutiny Committee has committed an error while passing the impugned order thereby invalidating the tribe claim of the petitioner of belonging to 'Thakur' Scheduled Tribe. We are therefore inclined to quash and set aside the impugned order dated 20.06.2019 passed by the Respondent No 2/ Scrutiny Committee. Needless to state that, the petitioner would be entitled for all the consequential benefits that would flow pursuant to setting aside of impugned order dated 20.06.2019.

20. Hence, we pass the following order:

:: ORDER ::

- i. The Writ Petition stands allowed.
- ii. The impugned orders dated 20.06.2019 passed by the Respondent No.2/Scheduled Tribe Certificate Scrutiny Committee, Nandurbar Division, Nandurbar is hereby quashed and set-aside.

- iii. The Respondent No.2/Scheduled Tribe Certificate Scrutiny Committee, Nandurbar is hereby directed to issue validity certificates to the petitioner Sarala Ravindranath Mahale @Sarala Devendra Bagul of belonging to 'Thakur' Scheduled Tribe.
- iv. Rule is thus made absolute in the above terms.

(ABASAHEB D. SHINDE, J.)

(SANDIPKUMAR C. MORE , J.)