



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

950 WRIT PETITION NO. 1702 OF 2025

Shubham Padmakar Thakur

VERSUS

The State Of Maharashtra Through Its Secretary And Another

...

WITH

WRIT PETITION NO. 3991 OF 2025

Padmakar Vitthalrao Thakur

VERSUS

The State Of Maharashtra Through Its Secretary And Others

...

Mr. Chandrakant R. Thorat, Advocate for the Petitioner

Mr. N. B. Patil, AGP for Respondent Nos. 1& 2/State

...

CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.

DATED : FEBRUARY 04, 2026

PER COURT (Per Abasaheb D. Shinde J.):

1. Heard.
2. Rule. Rule is made returnable forthwith. With the consent of the parties both these petitions are taken up for final hearing at the stage of admission.
3. Both the petitioners are son and father respectively who are challenging the impugned orders dated 06.01.2025 and 05.03.2025 passed by Respondent No.2-Scrutiny Committee by which the Tribe Claims of the petitioners of belonging to 'Thakur', Scheduled Tribe have been invalidated.
4. Learned Counsel for the petitioner submits that the Vigilance Cell

Enquiry in respect of father was conducted in the year 2011 whereas the Vigilance Cell Enquiry in respect of son is conducted on 11.10.2024. He would submit that in the Vigilance Cell Enquiry conducted in respect of son depicts certain oldest documents pertaining to pre-independence era showing the caste of the petitioners as 'Thakur', Scheduled Tribe, however, Respondent No.2-Scrutiny Committee has discarded the said documents. He, therefore, submits that in order to ascertain the genuineness of these old documents so also in order to enable the petitioners to establish their relationship with the validity holders who are shown in the genealogy as their blood relatives, the Vigilance Cell Enquiry needs to be conducted afresh. He, therefore, urged that the matters may be remanded back to Respondent No.2-Scrutiny Committee.

5. Per contra, the learned AGP submits that though the petitioners are relying on the validity of one Varun Ashok Thakur, however, in the genealogy submitted by him along with the proposal for verification of his tribe claim, the branch of petitioner's forefathers do not figure at all in the said genealogy.

6. He submits that the branch of petitioners is altogether different and therefore the petitioners cannot derive the benefits of the validity certificates from the branch to which said Varun Ashok Thakur belongs to. Learned AGP therefore submits that if at all the petitioners are

relying on the validity of Varun Ashok Thakur, they have to establish their relationship with the said validity holder likewise the oldest documents on which the petitioners are placing reliance can be ascertained only by conducting a fresh Vigilance Cell Enquiry. He, therefore, submits that the matters need to be remanded back to Respondent No.2-Scrutiny Committee so that a fresh Vigilance Cell Enquiry can be conducted for ascertaining the genuineness of the oldest documents as well as the relationship of the petitioners with the validity holders.

7. Since, both the learned Counsel for the petitioners and the learned AGP are *ad idem* for remand of the matters, we pass the following order :-

:: ORDER ::

- i. Writ Petitions are partly allowed.
- ii. Impugned orders dated 06.01.2025 and 05.03.2025 passed by Respondent No.2-Scrutiny Committee are hereby quashed and set aside.
- iii. Matters are remanded back to Respondent No.2-Scrutiny Committee for fresh consideration and if needed even by conducting the fresh Vigilance Cell Enquiry by giving sufficient opportunity to the petitioners to establish their tribe claims.
- iv. In view of the fact that the petitioner in Writ Petition

No.3991 of 2025 is a pensioner, we expect the Respondent No.2-Scrutiny Committee to decide the tribe claim of the petitioners as expeditiously as possible and preferably within a period of five (5) months from today.

v. Rule is made absolute in the above terms.

[ABASAHEB D. SHINDE, J.]

[SANDIPKUMAR C. MORE, J.]