



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

WRIT PETITION NO.5960 OF 2025

1. PADAMSING NEPALSING NAYMANE
2. SNEHA NEPALSING NAYMANE

VERSUS

**THE STATE OF MAHARASHTRA THR.
ITS SECRETARY AND ORS.**

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Advocate for petitioners : Mr. Anandsing Bayas a/w. Mr. N.V. Gawai
h/f. Mr. Jitendra M. Wagh
AGP for respondent/State : Mr. P.S. Patil

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**CORAM : SANDIPKUMAR C. MORE &
ABASAHEB D. SHINDE, JJ.**

DATE : 26.02.2026

PER COURT (ABASAHEB D. SHINDE, J.) :

1. Not on board. Taken on board.
2. Heard. Rule. Rule is made returnable forthwith. With the consent of the parties, the writ petition is heard at the stage of admission.
3. By this writ petition, the petitioners take exception to the order dated 21.03.2025 passed by the respondent No.2 – Scrutiny Committee, by which the tribe claim of the petitioners of

belonging to 'Thakur' scheduled tribe has been invalidated.

4. During the course of hearing, it is revealed that though petitioners have placed on record the oldest document pertaining to school record of petitioners' grandfather namely Trimabaksing Bhurasing Naymane, dated 22.06.1948, the Scrutiny Committee has discarded the said document on the ground that the said document is suspicious and does not inspire confidence. For arriving at the said conclusion, the Scrutiny Committee has held that the school from which the said school record appears to have been obtained itself is not in existence and thus by raising doubt about the said document the tribe claim of the petitioners have been invalidated.

5. Learned counsel for the petitioners therefore submits that since this aspect about non-existence of school has been considered by the Scrutiny Committee for the first time while deciding the matter and has not granted any opportunity to the petitioners of proving the genuineness of said document, the matter may be remanded back to the Scrutiny Committee so that the petitioners will get an opportunity to point out to the Scrutiny Committee that the document placed on record by the petitioners pertaining to the school record of their grandfather is genuine. As according to learned counsel for the petitioners this being an oldest

document of pre-independent era has a probative value.

6. Per contra, learned AGP would submit that document pertaining to petitioners' grandfather dated 22.06.1948 creates doubt for the reason that the Scrutiny Committee in order to ascertain the genuineness of the said document has taken a search of the school from where the said document is claimed to have been obtained by the petitioners and it has been revealed that the said school does not exist at all. He, therefore, submits that the Scrutiny Committee has rightly arrived at a conclusion that the document sought to be relied upon by the petitioners creates doubt. He, however, fairly concedes that since the Scrutiny Committee has arrived at a conclusion solely on the basis of information gathered from the website, the matter may be remanded back to the Scrutiny Committee for giving an opportunity to the petitioners to prove that the school from which the document dated 22.06.1948 has been issued does exist.

7. After hearing the rival submissions advanced by the learned counsel for the petitioners as well as the learned AGP, we find that, since the learned counsel for the petitioners as well as learned AGP are *ad idem* on the aspect of remanding the matter back for deciding the same afresh on the aspect of ascertaining the

genuineness of document dated 22.06.1948, we are inclined to allow the writ petition partly by remanding the matter back to the Scrutiny Committee. Hence, we pass the following order :

ORDER

- I. The writ petition is partly allowed.
- II. The impugned order 21.03.2025 passed by the respondent No.2 – Scrutiny Committee, is hereby quashed and set aside.
- III. The matter is remanded back to the respondent - Scrutiny Committee on the aspect of the genuineness of the document dated 22.06.1948 produced by the petitioners as well as to ascertain as to whether the so called school is in existence.
- IV. If required, the Scrutiny Committee may also conduct a fresh vigilance cell inquiry so as to ascertain the existence of the school from where the school record relied upon by the petitioners has been issued. The Scrutiny Committee shall also grant sufficient opportunity to the petitioners to substantiate their tribe claim by permitting the petitioners to place on record the documents in their support.
- V. In peculiar facts and circumstances, we direct the

respondent No.2 – Scrutiny Committee to decide the tribe claim of the petitioners as expeditiously as possible and preferably within a period of six (6) weeks from today.

Rule is thus made absolute.

VI. Parties to act on the authenticated copy of this order.

(ABASAHEB D. SHINDE, J.)

(SANDIPKUMAR C. MORE, J.)

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