



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4017 OF 2026

Mahendra Chandrakant Thakur,
Age : 21 Years, Occ. Education,
R/o. Laxminagar Jamner Road,
bhusawal P. No. 67
Tal. Bhuswal, Dist. Jalgaon

..PETITIONER

V E R S U S

1. The State of Maharashtra,
Through Tribal Department
Mantralaya, Mumbai.

2. Joint Commissioner cum Vice Chairman
Scheduled Tribe Certificate Scrutiny
Committee, Dhule.

..RESPONDENTS

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Advocate for the petitioner : Ms. P. S. Magar h/f Mr. M.R. Wagh
AGP for Respondent/State : Mr. P. S. Patil

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

DATED : APRIL 17, 2026

JUDGMENT (PER ABASAHEB D. SHINDE, J.)

1. Heard. Rule. Rule is made returnable forthwith. With the consent of the parties, the Writ Petition is heard finally at the stage of admission.

2. By this Writ Petition filed under Section 226 of the

Constitution of India, the petitioner seeks to challenge the order dated 03.09.2025 passed by respondent No.2/Scrutiny Committee, by which the tribe claim of the petitioner of belonging to “Thakur” Scheduled Tribe has been rejected.

3. For better appreciation, the translated vernacular version of the impugned order is reproduced herein below :-

“To,

Dt. 03/09/2025

Shri. Mahendra Chandrakant Thakur,
R/o. Laxmi Nagar, Jamner Road,
Bhusawal.

Subject : Regarding verification of caste claim.

1. *Mr. Mahendra Chandrakant Thakur (hereinafter referred to as “the applicant”) had submitted a proposal for verification of his Scheduled Tribe caste certificate through the Principal, Bhusawal Arts, Science and P.O. Nahata Commerce College, Bhusawal- 425201, on 30.06.2022 for educational purposes.*

2. *Upon examination of the proposal submitted by the applicant, it was found that Mr. Mahendra Chandrakant Thakur had taken admission under the Scheduled Tribe reserved category in the academic years 2021 and 2022 for the 12th Science stream. Accordingly, the proposal for verification of his Scheduled Tribe certificate was received by this committee through the said college. However, the applicant’s caste certificate verification case is still pending with this Committee. It is requested to clarify whether the applicant is still pursuing education in your institution or not. If he has completed his education, then details regarding whether his educational*

documents (Leaving Certificate, Marksheet) are pending with your institution or not should be reported to this office immediately. In this regard, letters and reminders were sent by this committee to the Principal, Bhusawal Arts, Science and P.O. Nahata Commerce College, Bhusawal – 425201, vide letter Outward/ Education Branch/ Pra. Kra/ 2959, Dhule dated 30/07/2025 and letter Outward No./ Education Branch/Pra. Kra/ 3261, Dhule dated 18/08/2025 had been given.

The Principal of the said college, through letter Outward No. J R -24/324 dated 25/08/2025, informed that in the academic year 2021–22, Mr. Mahendra Chandrakant Thakur was a student in 12th Science under the Scheduled Tribe reserved category. His Leaving Certificate and mark sheets have already been issued for further education, and no documents are pending with the college.

3. The applicant had submitted the proposal for educational purposes; however, the said purpose has now been fulfilled.

4. Therefore, the case of the applicant, Mr. Mahendra Chandrakant Thakur, is being closed at the committee level. The original caste certificate submitted by the applicant, issued by the Sub-Divisional Officer, Faizpur, bearing certificate no. MRC: 396212214443 dated 03/03/2021, is being returned.

5. If the applicant requires caste validity in the future, he may submit a fresh application online along with necessary documents

at:

<https://etribvalidity.mahaonline.gov.in>

4. Learned counsel for the petitioner submits that the College in which the petitioner was prosecuting his study, had submitted the

proposal to the respondent No.2/Scrutiny Committee for verification of his tribe claim of belonging to “Thakur” Scheduled Tribe on 30.06.2022. He would further submit that the petitioner along with the said proposal had submitted voluminous documents to substantiate that the petitioner belongs to “Thakur” Scheduled Tribe. The respondent/Scrutiny Committee however, instead of deciding the said proposal on merits, vide impugned order, rejected the said proposal on the grounds enumerated in the order, reproduced herein above. He would further submit that, it is not the case that, either proposal for verification of petitioner’s tribe claims was incomplete or necessary documents were not furnished by the petitioner. He thus, submitted that the order impugned therefore, is erroneous.

5. The learned counsel for the petitioner would also submit that the respondent/Scrutiny Committee, before rejecting the proposal of the petitioner, ought to have given sufficient opportunity of hearing to the petitioner. He, therefore, urged that the Writ Petition deserves to be allowed by setting aside the impugned order.

6. Per contra, the learned AGP would submit that from the order it appears that the proposal for verification of petitioner’s tribe claim was submitted through the College, while he was prosecuting the studies. He would further submit that the purpose for which the tribe claim was submitted seems to have come to an end and the petitioner

had left the College and did not prosecute his tribe claim. He would further submit that the petitioner ought to have kept track on the proceeding of his tribe claim. He, therefore, urged that the respondent/Scrutiny Committee has rightly rejected the tribe claim of the petitioner.

7. Having heard the learned counsel for the petitioner and learned A.G.P. and after going through the impugned order passed by the respondent/Scrutiny Committee, we *prima facie* find that the order passed by the respondent/Scrutiny Committee, on the touch stone of reasons assigned, is erroneous and un-sustainable.

8. The State Legislation has enacted the Maharashtra Scheduled Caste, Scheduled Tribe, *the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Category Classes and Special Backward Category (Regulation of Issuance And Verification of Caste Certificate, Act, 2000 (for short 'the Act of 2000')* with an aim and object of regulating the issuance of the caste certificates as well as the verification thereof.

9. Section 6 of the Act of 2000, which deals with the verification of caste certificate by the Scrutiny Committee reads thus

“Section 6 : Verification of Caste Certificate by Scrutiny Committee

(1) The Government shall constitute by

notification in the Official Gazette, one or more Scrutiny Committee(s) for verification of Caste Certificates issued by the Competent Authorities under subsection (1) of Section 4 specifying in the said notification the functions and the area of jurisdiction of each of such Scrutiny Committee or Committees.

(2) After obtaining the Caste Certificate from the Competent Authority any person desirous of availing of the benefits or concessions provided to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, other Backward Classes or Special backward Category for the purposes mentioned in section 3 may make an application, well in time, in such form and in such manner as may be prescribed, to the concerned Scrutiny Committee for the verification of such Caste Certificate and issue of a validity certificate.

(3) The appointing authority of the Central or State Government, local authority, public sector undertakings, educational institutions, Co-operative Societies or any other Government aided institutions shall, make an application in such form and in such manner as may be prescribed by the Scrutiny Committees for the verification of the Caste Certificate and issue of a validity certificate, in case a person selected for an appointment with the Government, local authority, public sector undertakings, educational institutions, Co-operative Societies or any other Government aided institutions who has not obtained such certificate.

(4) The Scrutiny committee shall follow such procedure

for verification of the Caste Certificate and adhere to the time limit for verification and grant of validity certificate, as prescribed.

10. Section 6(1) of the 2000 Act provides for Scrutiny Committee (s) and its area of operation. Section 6 (2) provides for submission of an application for verification of the caste/ tribe certificates to the concerned Scrutiny Committee, for its verification, so as to receive the validity certificate. Section 6 (3) provides for submission of the proposal for verification of caste/tribe certificate of a person, who either is appointed by the Government, Local Authority, Public Sector undertakings, Education Institutions, Co-operative Societies or any other Government Aided Institutions. Section 6(4) unequivocally provides for the Scrutiny Committee to follow the procedure for verification of the caste/ tribe certificate, adhering to the time limit for verification as well as granting validity certificate as prescribed.

11. In short, Section 6 of the 2000 Act deals with the provision regarding verification of caste/tribe certificate. Pursuant to power conferred under Section 18 of the Act of 2000, the Government framed the Rules for regulating the procedure of the verification of caste/ tribe certificate, namely the Maharashtra Scheduled Tribe *the Maharashtra Scheduled Caste, (Regulation of Issuance and Verification of)certificate Rules, 2003.*

12. Rule 12 of the Rule 2003 prescribes the procedure to be followed by the Scrutiny Committee for verification of caste/ tribe certificate. For better appreciation Rule 12 of Rule of 2003, is reproduced as under :-

12. Procedure to be followed by Scrutiny Committee :-

1. On receipt of the application, the Scrutiny Committee or a person authorized by it shall scrutinies the application, verify the information and documents furnished by the applicant, and shall acknowledge the receipt of the application. The Member Secretary shall register the application, received for verification, in the register prescribed by the Chairman.
2. If the Scrutiny Committee is not satisfied with the documentary evidence produced by the applicant the Scrutiny Committee shall forward the applications to the Vigilance Cell for conducting the school, home and other enquiry.
3. The Vigilance Officer shall go to the local place of residence and original place from which the applicant hails and usually resides, or in case of migration, to the town or city or place from which he originally hailed from.
- (4) The Vigilance Officer shall personally verify and collect all the facts about the social status claimed by the applicant or his parents or the guardian, as the case may be.
- (5) The Vigilance Cell shall also examine the parents or guardian or the applicant for the purpose of verification of their Tribe, of the applicant.

(6) After completion of the enquiry, the Vigilance Cell shall submit its report to the Scrutiny Committee who will in turn scrutinies the report submitted by the Vigilance Cell..

(7) In case the report of Vigilance Cell is in favour of the applicant, and if the Scrutiny Committee is satisfied that the claim of the applicant is genuine and true, the Scrutiny Committee may issue the validity certificate. The validity certificate shall be issued in Form G.

(8) If the Scrutiny Committee, on the basis of the Vigilance Cell report and other documents available, is not satisfied about the claim of the applicant, the Committee shall issue a show cause notice to the applicant and also serve a copy of the report of the Vigilance Officer by registered post with acknowledgment due. A copy shall also be sent to the Head of the Department concerned, if necessary. The notice shall indicate that the representation or reply, if any, should be made within fifteen days from the date of receipt of the notice and in any case not more than thirty days from the date of receipt of the notice. In case, the applicant requests for adjournment or extension of the time-limit, reasonable time, may be granted.

(9) (a) After personal hearing if the Scrutiny Committee is satisfied regarding the genuineness of the claim, Validity Certificate shall be issued in Form G.

(b) After personal hearing, if the Scrutiny Committee is not satisfied about the genuineness of the claim and correctness of the Scheduled Tribe Certificate, it shall pass an order of cancellation and of confiscation of the Certificate and communicate the same to the Competent Authority for taking necessary entries in the register and for further necessary action. The Scheduled Tribe Certificate shall then be stamped as “ cancelled and

confiscated.”

13. As per the procedure prescribed under Rule 12, on receipt of an application seeking verification of caste/tribe certificate along with the documents furnished by the applicant, the same shall be acknowledged by the person authorized in that regard. Rule 12 (2) talks about forwarding the application to the Vigilance Cell Enquiry, if the Scrutiny Committee is not satisfied with the documents/evidence produced by the applicant. Rule 12(3) contemplates the Vigilance Officer to make a Vigilance Cell Enquiry by visiting the local place of resident as well as the original place, where the applicant resides. Rule 12(4) postulates verification and collection of the facts about social status of the applicants as well as his parents and guardians. Rule 12 (6) talks of submission of report by the Vigilance Cell to the Scrutiny Committee. Rule 12 (7) contemplates that, if the Vigilance Cell Enquiry report is found supporting the case of the applicant, the Scrutiny Committee may issue validity certificate to the applicant. Rule 12(8) however, provides that if the Scrutiny Committee is not satisfied about the claim of the applicant on the basis of Vigilance Cell Enquiry report, in that case the Scrutiny Committee has to issue show cause notice to the applicant by serving the copy of Vigilance Cell Enquiry Report by registered post with the acknowledgment due. The notice shall indicate that the applicant is supposed to file the

representation or reply to the said Vigilance Cell Enquiry report within a period of 15 days, from the date of receipt of notice. The said period can be extended for a period of 30 days. If the applicant request for further time to file reply or representation, the Scrutiny Committee is empowered to grant further extension. Rule 12(9)(a) contemplates personal hearing to be given to the applicant and if after hearing the applicant, the Scrutiny Committee is satisfied with regard to the genuineness of the caste/ tribe claim, the Scrutiny Committee is supposed to issue validity certificate. Rule 12 (9) (b) provides that if after hearing the applicant, the Scrutiny Committee is not satisfied with the genuineness of documents submitted by the applicants, in that case the Scrutiny Committee can pass an orders of cancellation or confiscation of the caste/ tribe certificate by intimating the same to the concerned authority, for further necessary action.

14. It is amply clear from the scheme of Rule 12 of Rule 2003 that the entire procedure has been prescribed to be followed by the Scrutiny Committee while deciding the proceedings of verification of caste/ tribe certificate.

15. We find that the Scrutiny Committee, which a Quasi-Judicial Authority, is supposed to discharge its statutory duty as per the statutory provisions. Perusal of the impugned order would make it

clear that the Scrutiny Committee has mechanically passed the order of rejecting the proposal of verification of petitioner's tribe claim. The proposal for verification of the petitioner's tribe claim is not rejected on the ground either it being incomplete or that the petitioner has failed to submit necessary/sufficient documents. In our considered view, this being a matter pertaining to social status of the petitioner, the respondent/Scrutiny Committee ought to have decided the said proposal in accordance with the provision of Section 6 of the Act of 2000 *viz-a-viz* Rule 12 of the Rules 2003. We, therefore, find that the Quasi-Judicial Authority like the respondent/Scrutiny Committee is supposed to take due care while performing the statutory duty. We find that the approach of the respondent/Scrutiny Committee in rejecting the proposal of verification of petitioner's tribe claim is arbitrary. As stated above, since the matter pertains to the social status of the petitioner, rejection of his tribe claim, that too on the ground, on which the same has been rejected by the respondent/Scrutiny Committee, will definitely have far reaching consequences on the next generation. We thus find that the order impugned is *de-horse* the provisions of Section 6 of the Act 2003 as well as Rule 12 of Rules 2003.

16. Before parting, we may hasten to observe that this Court is coming across several such orders passed by the different Scrutiny

Committees thereby disposing of the proposal of verification of caste/ tribe claims mechanically, without deciding the same on its own merits and in accordance with law as prescribed under Section 6 of the Act of 2000 and read with Rule 12 of the Rules 2003. We thus find that the Scrutiny Committee(s) shall make an endeavour to decide the proposals of castes/ tribe claims in accordance with law and on its own merits, instead of disposing of the same mechanically.

17. We thus are of the view that the impugned order is arbitrary, unreasonable and perverse, therefore, deserves to be interfered with under Article 226 of the Constitution of India. We therefore, pass the following order.

O R D E R

- (I) The Writ Petition is allowed.
- (II) The impugned order dated 03.09.2025 passed by respondent No.2-Scrutiny Committee, thereby disposing of the proceedings of the petitioner's tribe claim without deciding on merit, is hereby quashed and set aside.
- (III) The proceedings of verification of petitioner's tribe claim stands restored for deciding the same on its own merits and in accordance with law.
- (IV) In peculiar facts and circumstances, we direct the respondent Scrutiny Committee to make an endeavour to

decide the tribe claim of the petitioner in accordance with law as expeditiously as possible and preferably within a period of eight months from today.

12. Rule is thus made absolute in the above terms with no order as to costs.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE

Y.S. Kulkarni/