

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14090 OF 2018
WITH
INTERIM APPLICATION NO. 1103 OF 2021
WITH
INTERIM APPLICATION NO. 791 OF 2026

1. Kum. Varsha Bapu Thakur
Age-25 years, Occ.-Student
2. Bhushan Bapu Thakur,
Age-20 years, Occ.-Student

Both R/at Sai Villa, Row House No.3,
Hari Om Nagar, Artillery Centre Road,
Nashik Road, Nashik,
Dist. - Nashik.

... Petitioners

Versus

1. State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantraya, Mumbai – 400 032.
2. Scheduled Tribe Certificate Scrutiny Committee,
Nandurbar
Through its Member Secretary,
Sakri Road, Near RTO Office, Nandurbar,
Dist.- Nandurbar.
3. Director of Technical Education
Maharashtra State,
3, Mahapalika Marg, Dhobi Talao,
Mumbai – 400 001.
4. Guru Govind Singh Polytechnic, Nashik
Through its Principal,
Khalsa Education Complex,
Guru Govind Singh Marg, Indra Nagar Annexe,

Nashik- 422 009, Dist.-Nashik

... Respondents

Mr. R. K. Mendadkar a/w. Mr. Ms. Priyanka N. Shjaw and Mr. Jagadish C. Kawale for the Petitioners.

Mr. N. C. Walimbe, Addl GP a/w. Smt. G. R. Raghuwanshi, AGP for the Respondents.

CORAM : **M. S. KARNIK AND**
S. M. MODAK, JJ.

DATED : **4th FEBRUARY, 2026.**

ORAL JUDGMENT (PER M. S. KARNIK, J.)

1. Heard learned counsel for the Petitioners and learned AGP who opposed the Petition.
2. Petitioner No.1 is the sister of Petitioner No.2. The Petitioners challenge the Order dated 1st November, 2018 passed by Respondent No.2 invalidating the Caste Certificate of the Petitioners as belonging to Thakur Scheduled Tribe. The Scrutiny Committee discarded the certificate of validity issued in favour of Petitioners' real uncle, namely, Shri Dipak Raghunath Thakur on the ground that the then Committee validated the claim only on the basis of validity certificate issued to maternal side relative of Dipak. It is further observed that the Scrutiny Committee has not scrutinized the claim as per the due procedure of law.
3. Next caste certificate which is discarded by the Scrutiny Committee is of Shri Jayesh Bhagwan Salunke, who is cousin uncle of the Petitioners.

The reason for discarding the certificate is that the Committee issued the validity on the basis of decisions of this Court in Writ Petition Nos. 5454/1996, 2746/1990 and 856/1998 filed by Suraj Prakash Thakur, Asmita B. Dhage and Shobha Mahesh Jadhav respectively, which the Scrutiny Committee observed are not concerned with the validity holder. It is further found that the then Committee has not scrutinized the claim as per the due procedure of law and not tested affinity. The other ground on which the Committee has rejected the claim is area restriction.

4. The Petitioners relied upon the pre-constitutional documents of his ancestors from the paternal side in support of his claim as well as Validity Certificate of his close blood relative.

5. Learned AGP argued in support of the impugned Order. It is submitted that for cogent reasons, the Committee has rejected the caste claim made by the Petitioners.

6. We have heard learned counsel for the Petitioners. On record are two caste validity certificates issued to close blood relatives of the Petitioners, namely, Shri Dipak Raghunath Thakur and Shri Jayesh Bhagwan Salunke. These caste validity certificates are genuine documents. Further, the genealogy has been verified by the vigilance cell. Even the Committee has proceeded on the footing that Dipak and Jayesh are close relatives of the Petitioners. However, the reason for discarding the

certificates is that the then Committee has not scrutinized the claim as per the due procedure and even the affinity test is not applied. The Scrutiny Committee found that the then Committee was not justified in relying upon the caste validity certificate of the claimant from the maternal side while issuing the certificate of validity in favour of Dipak.

7. We are afraid that the approach of Scrutiny committee in discarding the certificate of validity to the aforesaid close relatives of the Petitioners is erroneous. The Scrutiny Committee while examining the claim of the Petitioners cannot sit in appeal over the decision of the then Scrutiny Committee. In the light of law laid down by Hon'ble Supreme Court in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra and Others**¹ the following three prerequisites have to be satisfied while giving weightage to the certificate of validity issued in favour of the close blood relative:-

(i) The applicant must establish a clear and specific relationship with the person in whose favour the validity certificate has been issued;

(ii) The Scrutiny Committee must verify whether the validity certificate was granted to the applicant's blood relative after due enquiry and in accordance with prescribed procedure; and

(iii) The Scrutiny Committee must ascertain the genuineness of the validity certificate relied upon.

¹ (2023) 16 SCC 415

8. This Court in **Apoorva d/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and others**² has, in paragraph 4 held thus :-

“4. We have considered the matter and we are of the view that the petitioner's caste claim that she belongs to Kanjar Bhat-Nomadic Tribe ought to have been accepted by the Committee merely on the basis that identical caste claim of her sister that she belongs to Kanjar Bhat has been allowed by the Committee, even apart from the Government Resolution. We are of the opinion that the guidelines provided by the said Govt. Resolution are sound and based on sound principles. It would indeed be chaotic otherwise. If the relationship by blood is established or not doubted, and one such relative has been confirmed as belonging to a particular caste, there is no reason why public time or money should be spent in the committee testing the same evidence and making the same conclusion unless of course the Committee finds on the evidence that the validity of the certificate of such relation has been obtained by fraud.”

9. From the findings of the Scrutiny Committee, it is seen that Dipak and Jayesh are close blood relatives of the Petitioners. Further, the validity certificates issued are genuine documents. Such documents were issued after vigilance cell inquiry. Merely because in the opinion of the Scrutiny Committee, the then Scrutiny Committee

² 2010(6) Mh.L.J. 401

did not follow the proper procedure, is no ground to discard the certificates of validity as it virtually amounts to the present Scrutiny Committee sitting in appeal over the decision of the then Committee which granted the certificate of validity to the close relatives on the basis of the materials submitted and after following the procedure prescribed. It is now well settled that the affinity test is not litmus test and the claimant can always establish his claim on the basis of documentary evidence.

10. So far as the area restrictions are concerned, the findings of the Scrutiny Committee that the Petitioners' case is hit by an area restriction is untenable in view of the decision of this Court in **Motial S/o. Namdeo Pawar Vs. Scheduled Tribe Certificate Scrutiny Committee & Ors.** decided on 22nd December, 2017 in Writ Petition No. 7 of 2014. This court in paragraph 14 has observed that, on removal of the area restrictions, the tribe or caste, if it is recognized as a scheduled caste or scheduled tribe in the State, was entitled to avail the benefits irrespective of the places where they were normally traced to since the tribes normally dwelled in clusters and were mostly found in certain hilly areas. However, by the amendment of 1976, the restriction of "thakurs" to be hailing from the districts specified in 1956 Order was completely done away with.

11. In this view of the matter, we have no hesitation in setting aside the impugned Order passed by the Scrutiny Committee. Accordingly, the impugned Order is quashed and set aside. The Scrutiny Committee is directed to issue Certificates of Validity to the Petitioners as belonging to the 'Thakur, Scheduled Tribe', within a period of six weeks from the communication of this Order.

12. The Writ Petition is disposed of.

13. In view of above, Interim Applications are also disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)