

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 310 OF 2026

Ujwala Murlidhar Pawar

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

Mr. R. K. Mendadkar for the Petitioner.

Mr. P. P. Kakade, Addl GP a/w. Mr. A. K. Naik, AGP for the Respondents-State.

Mr. S. K. Halwasia a/w. Mr. Keshav Thakur for Respondent No.4.

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

DATED : **14th JANUARY, 2026.**

ORAL ORDER (PER M. S. KARNIK, J.):

1. Heard learned counsel for the Petitioner.
2. Learned AGP opposed the Petition and argued in support of the impugned Order. He states that the Petitioner has not established her caste claim.
3. The caste claim of the Petitioner, as belonging to the Thakar tribe, has been invalidated. It is the submission of learned counsel for the Petitioner that the Scrutiny Committee has basically proceeded on the footing that the Petitioner was not in a position to establish the affinity test. The Hon'ble Supreme Court in the case of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra & Ors.**, reported in **2023 SCC OnLine SC 326**, has observed that the affinity test cannot be applied as a litmus test and other materials have to be

considered by the Scrutiny Committee in support of the caste claim. Moreover, the document at page No. 41 of the paper-book, which is School Leaving Certificate of his father, indicates that he belongs to Thakar caste and that the Petitioner's father was born on 01.01.1940. The Petitioner's father left the school on 06.07.1954. Thus, there is already an entry in respect of Petitioner's father indicating his caste as Thakar. The caste Thakar was notified as 'Scheduled tribe' on 27th July, 1977. In this view of the matter, the document, which is School Leaving Certificate of the Petitioner's father, could have been considered in the light of the fact that the caste Thakar was notified as Scheduled Tribe only in 1977 and that the Petitioner's father left school much prior to 1977. In such view of the matter, in our opinion, the caste claim of the Petitioner needs to be considered afresh on its own merits and in accordance with law. The impugned Order is quashed and set aside.

4. The Petitioner to appear before the Scrutiny Committee on 22nd January, 2026 at 11.00 a.m. along with a copy of this Order.

5. The Scrutiny Committee to decide the caste claim of the Petitioner on merits and in accordance with law within a period of six weeks from the date of communication of this Order.

6. The Petition is disposed of accordingly.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)