



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO. 801 OF 2025
WITH
WRIT PETITION NO. 6835 OF 2024**

WRIT PETITION NO. 801 OF 2025

Ganesh S/o Shriram Chavhan,
Aged 60 years, Occ. Retired
R/o Behind Indira Gandhi Kanya School,
Manora, Tq. Manora, Dist. Washim. **PETITIONER**

// VERSUS //

- 1) **Schedule Tribe Caste Certificate
Scrutiny Committee,** Sai Uttam Vila,
House No. 3, Near Rangoli Ground,
Shastri Nagar, Yavatmal,
Through its Member Secretary.
- 2) **Mahatma Jyotiba Fule, Shikshan,
Sanstha Mangrulpir,** District Washim,
Through its President.
- 3) **Samta Vidyalaya, Kupata,**
Tq. Manora, District Washim,
Through its Head Master. **RESPONDENTS**

WITH

WRIT PETITION NO. 6835 OF 2024

- 1) **Lalit S/o Ganesh Chavhan,**
Aged 27 years, Occ. Student,
- 2) **Trupti D/o Ganesh Chavhan,**
Aged 25 years, Occ. Student,
Both R/o Behind Indira Gandhi
Kanya School, Manora,
Tq. Manora, Dist. Washim. **PETITIONERS**

// VERSUS //

- 1) **Schedule Tribe Caste Certificate Scrutiny Committee**, Sai Uttam Vila,
House No. 3, Near Rangoli Ground,
Shastri Nagar, Yavatmal,
Through its Member Secretary.
- 2) **Prin. L.N. Welingkar Institute of Management Development & Research**,
L.N. Road, Near Podar College,
Matunga (E), Mumbai-400019,
Through its Principal.
- 3) **Indira Institute of Management Science**,
Sahyog Campus, Vishnupuri,
Nanded- 431606,
Through its Principal.

.... **RESPONDENTS**

Mr. A. P. Kalmegh, Advocate for the Petitioners.
Mr. N. R. Patil, Assistant Government Pleader for
Respondent No.1 in both petitions.

CORAM : **MRS. M. S. JAWALKAR AND**
NANDESH S. DESHPANDE, JJ.

DATE ON RESERVING THE JUDGMENT : **03.02.2026**
DATE ON PRONOUNCING THE JUDGMENT : **11.03.2026**

COMMON JUDGMENT : (Per – M. S. JAWALKAR, J.)

1. Heard. **Rule.** Rule is made returnable forthwith.
Matters are taken up for final hearing at the stage of admission
by consent and request of the parties.

2. The Petitioner in W.P. No. 801/2025 is the Father of the Petitioners in W.P. No. 6835/2024. Hence, both these petitions are decided by this common judgment.

3. The Petitioners by these petitions are challenging the common order dated 31/10/2024, passed by the Respondent No. 1 Caste Scrutiny Committee, Yavatmal thereby invalidating the caste claim of the Petitioners to the 'Thakur' Scheduled Tribe enlisted at Sr. No. 44 in the Constitutional Order, 1950.

4. The Petitioner in Writ Petition No. 801/2025 is an Assistant Teacher working in Respondent No. 3 School vide appointment order dated 14/06/1984 and he has been issued a Caste Certificate by Sub-Divisional Officer on 29/10/2002. The Petitioners in Writ Petition No. 6835/2024 are both students in MBA College and have been granted Caste Certificate from Sub-Divisional Officer on 13/12/2023. The Petitioners forwarded their caste claim to the Respondent No. 1 Committee on 04/07/2003, 25/01/2024 and 30/01/2024 respectively.

5. In support of their caste claim the Petitioners have submitted following documents of Pre-constitutional period:

Sr. No.	Description of Document	Caste/Tribe	Date
1	Birth Extract of female child born to Sakaram Thakur	Thakur	12.01.1914
2	Birth Extract of male child born to Sakaram Thakur	Thakur	12.03.1919
3	Birth Extract of male child born to Yaswanta Thakur	Thakur	16.06.1933
4	Death Extract of Sakaram Vaktaji Thakur	Thakur	01.07.1944
5	Crop Statement (Village Malegaon, Tq. Mahagaon) of Sakaram Thakur Great Grandfather	Thakur	1934-35
6	Crop Statement (Village Malegaon, Tq. Mahagaon) of Yashwant Sakaram Thakur, Great Grandfather	Thakur	1946-47

6. Since the caste claim of the Petitioners were not decided by the Respondent Committee expeditiously, the Petitioners have filed a Writ Petition No. 6426/2017 and Writ Petition No. 4507/2024 respectively. In both these petitions, this Court directed the Respondent Committee to decide the caste claim of the Petitioners within a stipulated time and protected the service and admissions of the Petitioners.

7. The Vigilance Cell conducted an inquiry and submitted a report to the Scrutiny Committee, the Scrutiny Committee issued a show cause notice dated 05/09/2024 along with the Vigilance Report dated 29/07/2024. Thereafter, the

Respondent Committee, by its common order dated 31/10/2024, invalidated the caste claim of the Petitioners.

8. The learned Counsel for Petitioners relied upon the following Citations:

- (i) **Writ Petition No.7320/2023, Ganesh s/o Shridhar More & Anr. vs. The Vice Chairman member-Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal, dated 13/03/2024 and**
- (ii) **Writ Petition No.5619/2024, Shri Nilesh s/o Jaykumar Chavan vs. The State of Maharashtra & Ors., dated 11/07/2025.**

9. *Per Contra*, the Respondent No. 1 Scrutiny Committee in its reply, submitted that the Petitioners failed to properly explain the documents procured by the Vigilance cell, which contradicts the claim of the Petitioners. It is further contended that the Petitioners failed to establish socio-cultural affinity with the 'Thakur' Scheduled Tribe. Therefore, the Respondent Committee has rightly rejected the caste claim of the Petitioners.

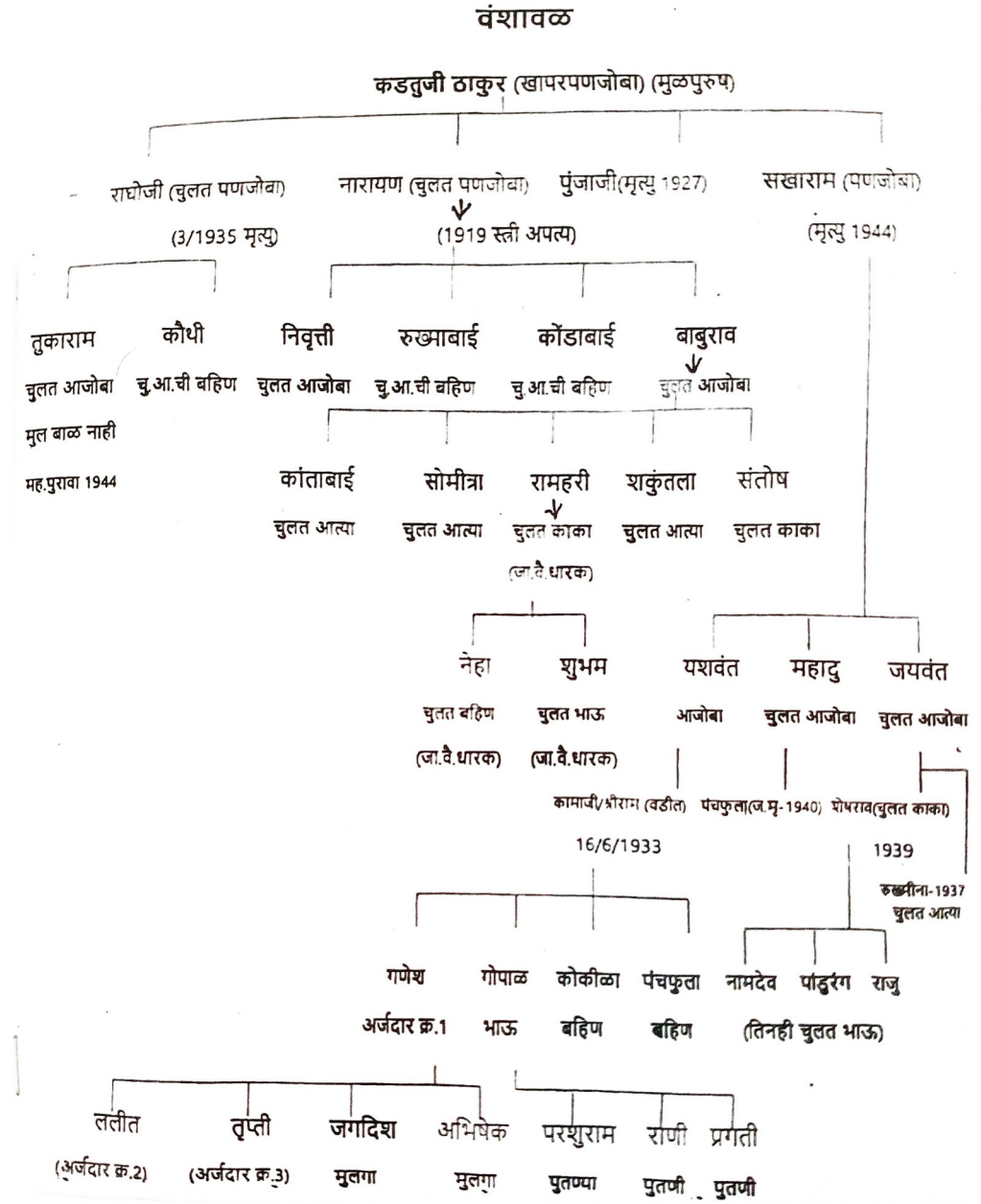
10. The Respondent Scrutiny Committee further submitted that it has procured following pre-constitutional contra entries in Vigilance Enquiry:

Sr. No.	Document Type	Name	Relationship with the Petitioner	Caste	Date
1	Birth Extract (Village Lewa Tq. Mahagaon)	A male child was born to Jaywantrao Marathe	Cousin Grandfather	Marathe	02.06.1914
2	Birth Extract (Village Lewa Tq. Mahagaon)	A male child was born to Sakaram Marathi	Great Grandfather	Marathi	11.09.1995
3	Birth Extract (Village Lewa Tq. Mahagaon)	A female child was born to Jaywantrao Marathi	Cousin Grandfather	Marathi	18.07.1996
4	Birth Extract (Village Lewa Tq. Mahagaon)	A male child was born to Narayan Marathi	Cousin Grandfather	Marathi	16.05.1917
5	Birth Extract (Village Lewa Tq. Mahagaon)	A male child was born to Jaywanta Marathi	Cousin Grandfather	Marathi	18.09.1918
6	Death Extract (Village Lewa Tq. Mahagaon)	Death entry of born female of Sakaram Marathi	Great Grandfather	Marathi	16.02.1926
7	Police Record (Mauje Malegaon Tq. Mahagaon)	Sakaram vald Kartoji	Great Grandfather	Thakur Marathi	27.12.1927
8	Birth Extract (Village Malegaon Tq. Mahagaon)	A male child born to Yaswanta Thakur Marathi	Grandfather	Thakur Marathi	16.06.1933
9	Birth Extract (Village Malegaon Tq. Mahagaon)	A male child namely Sheshrao born to Jaivanta vald Sakharam Marathi	Cousin Grandfather	Marathi	25.09.1939
10	Extract (Village Malegaon Tq. Mahagaon)	Report of wall being broken Yaswanta vald Sakharam Thakur	Grandfather	Thakur Marathi	Illegible.04. 1935
11	Birth Extract (Village Malegaon)	A female child namely Shanti born to	Grandfather	Marathi	25.11.1935

	Tq. Mahagaon)	Yashwanta Vald Sakharam			
12	Birth Extract (Village Malegaon Tq. Mahagaon)	A female child namely Rukmina born to Jaivanta Vald Sakharam Marathi Thakur	Cousin Grandfather	Marathi Thakur	03.08.1937
13	Birth Extract (Village Malegaon Tq. Mahagaon)	A female child namely Panchfula born to Mahadu vald Sakharam Marathi Thakur	Cousin Grandfather	Thakur Marathi	Date and month illegible 1940
14	Death Extract (Village Malegaon Tq. Mahagaon)	Pnachfula vald Mahadu	Cousin Aunt	Marathi Thakur	13.08.1940
15	Death Extract (Village Malegaon Tq. Mahagaon)	Sakharam vald Kartoji Thakur Marathi	Great Grandfather	Thakur Marathi	Date illegible.07. 1944
16	Death Extract (Village Malegaon Tq. Mahagaon)	Govinda vald Jairam Thakur Marathi	Cousin Uncle	Thakur Marathi	Date illegible.04. 1945
17	Police Record (Mauje Malegaon Tq. Mahagaon)	Entry of punishment under section 457 of IPC to Yasavanta Vald Sakharam Marathi Thakur	Grandfather	Marathi Thakur	23.06.1945

11. Heard learned Counsel for the respective parties at length. Perused the record and proceedings of Caste Scrutiny Committee with the assistance of the learned Assistant Government Pleader and considered the citations relied on by the learned Counsel for the Petitioners.

12. For the sake of convenience, family tree is reproduced as under :



13. It appears that in the present matter, there is three vigilance enquiries were conducted without there being any reason mentioned for such enquiries. There is a Birth Extract

dated 12/01/1914, the female child born to Sakharam Thakur. It is submitted in reply that this entry is duly verified by the vigilance cell. This document is prior to pre-independence era and having great probative value. It is also explained that there is no question of any other document as the possibility of death of female child in view of the pandemic, she might have not survive and therefore, there are no other documents pertaining to her birth.

14. It is specifically pointed out by the Petitioner that entries from Sr. No. 1 to 9 are not in respect of his relatives. The Petitioner explained that Sheshrao in his statement stated that in the earlier period of his marriage with one Indubai, he was residing at Leva for short period, as there was a breakup, therefore, the documents procured by the vigilance cell are not in relation with the Petitioner. Sheshrao's birth place was Malegaon and his date of birth is 25/09/1939. After the divorce with Indubai, he married with one Kamlabai residence at Pusad. The vigilance Cell has collected the documents with similar name but those persons are not in relation nor their residence is native of ancestors of the Petitioner.

15. So far as the document dated 12/03/1919, Birth Extract of male child born to Sakharam Thakur is concerned, the said document is duly verified by the vigilance and found to be genuine. If the Extract of Revenue record (Crop Statement) for the year 1934-35 of Yashwanta Thakur, it clear that Sakharam Wald Kadtuji Thakur is clearly appearing in Family Tree however, this document rejected on flimsy ground that from the said document it does not clarify that whether Thakur is caste or surname. Similarly, the Crop Statement of 1946-47 in respect of Yashwant S/o Sakharam Thakur also needs to be considered. It appears that the Vigilance Cell without any reason collected the certain documents having first name and second name is similar to the family members of the Petitioner. The Vigilance Cell collected as many as 17 documents showing they are in relation with the Petitioner.

16. In paragraph No.10, in reply of Scrutiny Committee, adverse entries are reproduced. The document at Sr. No.1 if perused (page 335 of the petition), the name is written as Jaywantrao Marathe. There is no fathers name or caste is mentioned. As such, it cannot be conclusively state that the person mentioned in document No.1 is relative of the Petitioner.

Similarly in respect of document Nos.2 to 6, also they are not in relation with the Petitioner. So far as document from Sr. No.7 to 17, except Sr. No.16, there is entry of 'Thakur Marathi' or 'Marathi Thakur'. It appears that while considering the adverse entries in documents pertaining to relatives from the maternal side also considered by the Caste Scrutiny Committee.

17. Moreover, the documents procured in second vigilance from Sr. No.1 to 10 are post-independence era. So far as document pertaining to Tukaram S/o Ragho Thakur, the copy of sale-deed dated 14/03/1944, the 'Thakur' is affixed to Tukaram S/o. Ragho. Similarly, death entry of Punjaji S/o. Kadtu Thakur is of March-1927, wherein caste is shown as 'Thakur'.

18. In the 3rd vigilance report, the Vigilance Cell collected as many as 21 documents, all are post-independence era and even the persons are not in relation with the Petitioner except 2-3 documents. The document at Sr.No.19 is of March-1927 (Death Entry) pertains to cousin grandfather of the Petitioner showing caste as 'Thakur' and also relation shown from the maternal side, which is contrary to the rules.

19. The learned Counsel for the Petitioners relied on **Writ Petition No. 5619/2024** (supra), wherein this Court in paras 16, 17 and 22 held as under :

*“16. It is pertinent to note that recently Hon’ble Supreme Court in the case of **Maharashtra Aadiwasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra and ors. 2023 (2) Mh.L.J. 785** has considered the Rule 12 of the Rules, 2003. According to the said Rule, the Committee can only refer the documents relied by applicant along with his claim to the Vigilance Cell, in the cases the Committee is of the opinion that the documents are doubtful and scrutiny of the same is required. It is held that while forwarding such documents, the Committee should record the reasons and same shall not be forwarded as a routine matter. The relevant paragraphs 19 and 20 are reproduced as under :*

“19. Sub-rule (2) of Rule 12 clearly provides that only if the Scrutiny Committee is not satisfied with the documentary evidence produced by the applicant, it shall forward the application to the Vigilance Cell for conducting the school, home and other enquiry. Therefore, in every case, as a matter of routine, the Scrutiny Committee cannot mechanically forward the application to Vigilance Cell for conducting an enquiry. When sub-rule (2) of Rule 12 contemplates that only if the Scrutiny Committee is not satisfied with the documents produced by the applicant that the case should be referred to Vigilance Cell, it follows that the Scrutiny Committee is required to pass an order recording brief reasons why it is not satisfied with the documents produced by the applicant. Before referring the case to the Vigilance Cell, application of mind to the material produced by the applicant is required and therefore, the application of mind must

be reflected in the order sheets of the Scrutiny Committee.

20. It is not possible to exhaustively lay down in which cases the Scrutiny Committee must refer the case to Vigilance Cell. One of the tests is as laid down in the case of Kumari Madhuri Patil. It lays down that the documents of the pre-Constitution period showing the caste of the applicant and their ancestors have got the highest probative value. For example, if an applicant is able to produce authentic and genuine documents of the pre-Constitution period showing that he belongs to a tribal community, there is no reason to discard his claim as prior to 1950, there were no reservations provided to the Tribes included in the ST order. In such a case, a reference to Vigilance Cell is not warranted at all.”

17. But in the present matter, we found utter violation of Rule 12(2) of Rules, 2003. Respondent no. 2 Committee without assigning any reasons, twice referred the case papers of petitioner to Vigilance Cell. This fact clearly demonstrate that respondent no. 2 was bend upon to any how reject the caste claim of petitioner. This approach of respondent no. 2 is highly condemnable.

22. In respect of fact that ‘Marathi’ is a language and not a caste, the petitioner has rightly relied upon the judgment delivered by this Court in Writ Petition Nos.10310/2017, 7034/2019 and 7391/2017, in which this Court consistently held that ‘Marathi’ cannot be treated as a caste, as it is a language which find place in scheduled VIII of the Constitution of India. So also, it is held that on the basis of said sole entry ‘Marathi’ the various documents submitted by the petitioner having entry of belonging to Thakur Scheduled Tribe cannot be discarded. However, respondent no.2 Committee, who is supposed to know the well settled position of law that

the 'Marathi' is a language and not a caste, committed grave mistake to invalidate the caste claim of petitioner."

Though rejecting the claim of the Petitioner on the ground that there is Marathi entries along with Thakur is unjustified. The Marathi was never a caste but is a language spoken in Maharashtra. This Court also observed in para 19 as under :

*"19. It will be relevant to point out the observations made by the Hon'ble Supreme Court in the case of **Anand vs. Committee** (supra), wherein broad parameters were laid down while dealing with the caste claim. It is specifically made clear by the Hon'ble Supreme Court that :*

"while dealing with the documentary evidence, greater reliance may be placed on pre-independence documents because they furnished a higher degree of probative value to the declaration of status of caste, as compared to the post-independent documents. It is further added by the Hon'ble Supreme Court that the Committee performs the role of verification of the claim and therefore, can only scrutinized the documents and material produced by the applicant. As such, the Committee has to verify the material produced by the applicant and cannot gather evidence on its own to prove or disprove the claim."

20. The learned Counsel for the Petitioners also placed reliance on **Writ Petition No. 7320/2023** (supra), wherein this Court in para 7 held as under :

“7.we have perused the documents placed on record as well as record and proceedings of Scrutiny Committee. So far as objection in respect of transfer of land to non-tribe person without obtaining prior permission is concerned, is no relevancy to conclude that petitioners are not belong to ‘Thakur’ Tribe. There are consequences laid down in the act itself and that will follow. However at any rate, this ground cannot be sufficient to hold that Tribe of the petitioners was not ‘Thakur’.”

21. As such the impugned order is not only perverse and erroneous but also contrary to the precedent laid down by the Hon’ble Apex Court and provisions of law. The Petitioners are duly established that they belong to “Thakur” Scheduled Tribe by producing the old documents prior to 1950 having great probative value, those cannot be simply brushed aside by relying on irrelevant documents and of the persons unrelated to. As such, the impugned order is liable to be set aside. Accordingly, we proceed to pass following order :

- (i) Both the Writ Petitions are allowed.
- (ii) The impugned order dated 31.10.2024, passed in case Nos.(1) 5-ST/2003/10023, (2) 11/510/Edu/012024/68255 and (3) 11/510/Edu/012024/68293, passed by the Respondent – Scheduled Tribe Caste Certificate

Scrutiny Committee, Yavatmal are hereby quashed and set aside.

- (iii) It is declared that the Petitioners duly established that they belong to “Thakur” Scheduled Tribe.
- (iv) The Respondent Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal is hereby directed to issue the validity certificates of “**Thakur**” Scheduled Tribe to the Petitioners within a period of eight weeks.

22. Rule is made absolute in the above terms. No order as to costs. Pending application(s), if any, stand(s) disposed of.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)