

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

981 WRIT PETITION NO. 4468 OF 2021

Vijay Baburao Thakur
Age : 43 yrs, occ : service
R/o Dhule

Petitioner

Versus

1. The State of Maharashtra
2. Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad.
3. Shri Bhausaheb Hire Government
Medical College and Hospital,
Dhule

Respondents

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Mr. S.C. Yeramwar, Advocate for the petitioner.
Mr. P.S. Patil, A.G.P. for respondents-State.

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**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.
DATED : 5 MAY 2026.**

Oral order (Per Abasaheb D. Shinde, J.) :

1. Heard.
2. By this writ petition, the petitioner seeks to challenge the judgment and order dated 17.02.2021 passed by the respondent Scrutiny Committee by which tribe claim of the petitioner of belonging to "Thakur" Scheduled Tribe, has been invalidated.

3. Learned counsel for the petitioner submits that despite there being voluminous documents substantiating tribe claim of the petitioner as “Thakur” Scheduled Tribe, the said documents have been discarded. He would further submit that the school record of the petitioner’s father namely Babulal Dharma Thakur dated 11.06.1952 shows the caste as “Thakur”. He would further submit that even the most oldest document having probative value which is of pre-independence era, is the school record of his grandfather Dharma Ananda Thakur, which is dated 01.06.1926 showing the caste as “Thakur”. He thus submits that despite there being all these oldest documents having probative value, the respondent Scrutiny Committee has invalidated tribe claim of the petitioner solely on the ground of affinity test and area restriction.

4. Per contra, learned A.G.P. would oppose the writ petition thereby contending that there are certain contra entries found by Scrutiny Committee. He would further submit that the petitioner has failed in affinity test as well as in the light of area restriction the petitioner failed to substantiate that the petitioner belongs to “Thakur” Scheduled Tribe. He therefore urged that the writ petition deserves to be dismissed.

5. Having considering rival submissions, we find that the documents pertaining to grandfather of the petitioner dated 01.06.1926 as well as document pertaining to petitioner's father dated 11.06.1952, cannot be brushed aside. We find that neither during the vigilance cell enquiry nor the Scrutiny Committee, while deciding the tribe claim, raised doubt about these documents.

6. This Court has already taken a view in the case of ***Abasaheb Gulabrao Thakur vs The State of Maharashtra and others*** in Writ Petition No. 7472 of 2021 alongwith other connected writ petitions, which are decided on 25.02.2026, wherein this Court has held that the oldest documents of pre-independence era will always have probative value. This Court has already held that affinity test and area restriction in no manner disentitle the claimant from getting validity certificate.

7. We find that the issue involved in this petition is squarely covered by the judgment of this Court in the case of Abasaheb Gulabrao Thakur (supra). We therefore of the view that writ petition deserves to be allowed. We therefore pass the following order.

ORDER

- (i) Writ petition is allowed.
- (ii) The impugned order dated 17.02.2021 passed by respondent No.2-Scrutiny Committee, is hereby quashed and set aside.
- (iii) The respondent No.2 Scrutiny Committee is directed to issue validity certificate to the petitioner of belonging to “Thakur” Scheduled Tribe.
- (iv) With these directions, writ petition stands disposed of.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE