



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

WRIT PETITION No.3322 OF 2020

Vikrant S/o Pravin Jaunjale,
Aged about 18 yrs, Occ. Student,
R/o Plot no.4, Dhande Layout,
Near Chandra Bhaganagar,
Hudkeshwar Road Nagpur. : PETITIONER

...VERSUS...

1. The Vice-Chairman/Member-Secretary,
Scheduled Tribe Caste Certificate Scrutiny
Committee, Chaprashipura, Amravati.
2. Adiwasi Nokarvarg Thakur and Thakur
Samaj Utkarsh Institute Branch, Sangamner,
District Ahmednagar, through Secretary,
Shri Kantaram S/o Narayan Khandvi,
aged about Major, Occupation – Private,
R/o. Sangamner, Tah. Sangamner,
Distt. Ahmednagar. : RESPONDENTS

Added Respondent
No.2 as per Court's
Order dated
3.11.2020.

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Ms. Preeti Rane, Advocate for Petitioner.
Mr. N.R. Patil, Assistant Government Pleader for Respondent No.1.
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CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.

RESERVED ON : 30th MARCH, 2026.

PRONOUNCED ON : 04th MAY, 2026.

JUDGMENT : (Per : NANDESH S. DESHPANDE, J.)

1. Rule. Rule made returnable forthwith. Heard finally
with the consent of the parties.

2. By this petition, the petitioner challenges order dated 03.09.2020, passed by Respondent No.1, Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati (hereinafter 'the Committee') invalidating his tribe claim towards "Thakur" Scheduled Tribe, recognized at Sr.No.44 of the Constitution (Scheduled Tribes) Order, 1950, on the grounds of documentary evidence, affinity, and area restriction.

3. The petitioner claims to belong to "Thakur" Scheduled Tribe and was issued a caste certificate dated 30.07.2019 by the Competent Authority. He forwarded his proposal dated 16.08.2019 with documents pertaining to himself and his paternal side blood relatives.

Relevant documents are as under :

Sr No	Document Type	Name	Relation	Date	Caste
1	Kotwal Book Extract	Sureshrao	Grandfather	1943	Thakur
2	Dakhal Kharij Register Extract	Sureshrao	Grandfather	1943/1948	Thakur
3	School Leaving Certificate	Sureshrao	Grandfather	1943/1948/1953	Thakur
4	Kotwal Book Extract	Ramesh	Cousin Grandfather	1945	Thakur
5	Dakhal Kharij Register Extract	Ramesh	Cousin Grandfathe	1945	Thakur
6	Kotwal Book Extract	Vijay	Cousin Grandfather	1947	Thakur

7	Kotwal Book Extract	Suhas	Cousin Grandfather	1950	Thakur
8	Dakhal Kharij Register Extract	Ambadas Shripat	Great Grandfather	1932	Thakur

4. The Vigilance Cell report was submitted on 14.08.2020, wherein the statement of the petitioner's father Pravin was recorded for testing affinity. The petitioner submitted his reply on 25.08.2020. The Committee vide impugned order dated 03.09.2020 invalidated the tribe claim on the grounds that: (i) documents do not establish Thakur Scheduled Tribe identity; (ii) petitioner failed the affinity test; and (iii) area restriction operates against the claim. It is noted that the petitioner had earlier filed Writ Petition No.1874/2020 seeking expeditious decision, pursuant to which this Court directed the Committee to decide the claim within a stipulated period vide order dated 30.07.2020.

5. We have heard Ms. Preeti Rane, learned counsel for the petitioner and Mr. N.R. Patil learned Assistant Government Pleader for Respondent No. 1.

6. Learned counsel for the petitioner submits that pre-Constitutional documents dating from 1932 to 1950 consistently record the caste of the petitioner's great grandfather, grandfather, and cousin grandfathers as "Thakur", conclusively

establishing tribal identity. The adverse entries of "Bhat/Bhatt" of 1915 and 1923 procured by the vigilance officer are not related to the petitioner, further the 1923 entry having been specifically denied in the reply, which the Committee failed to consider. The 1915 entry bears no C.R. Number and no authenticated stamp, making it wholly unreliable. Further, the 1915 entry must be read conjointly with the Dakhal Kharij Register Extract of 1932 of the same person (great grandfather Ambadas), which clearly records "Thakur" with school stamp and date of issuance being pre-Constitutional, it carries the greatest probative value.

7. The documents of 1947 and 1950 were rejected by the vigilance officer merely for non-traceability in the office, whereas the petitioner possesses the originals and non-traceability cannot disprove authenticity. The documents of 1948 and 1951 relating to blood relatives were not considered, nor was any reason assigned for their rejection. Additionally, after passing of the impugned order, the petitioner procured a further document Dakhal Kharij Register Extract of 1st Std. (1915/1922/1926) dated 02.09.2020 in respect of great grandfather Ambadas, also recording "Thakur", which was unavailable earlier.

8. It is further submitted that the Committee's finding that

even upper-caste "Thakur" has the entry "Thakur" and not "Thakur Scheduled Tribe" is wholly misconceived, as the Presidential Order entry "Thakur" at Sr.No.44 must be read as it is and no authority can add to or subtract from it. Counsel has placed reliance on :

- i. State of Maharashtra v. Milind, (2001) 1 SCC 4;
- ii. Palghat Jilla Thandan v. State of Kerala (1994);
- iii. Gayatrilami Nagpure v. State (1996);
- iv. State of Maharashtra v. Where Adim Jamat Mandal (2006);
- v. and this Court's judgments in Writ Petition Nos. 6142/2017, 5004/2019, 5111/2019, 6532/2018, and 6534/2018.

9. It is submitted that the area restriction ground is equally untenable as the Scheduled Castes & Scheduled Tribes Orders (Amendment) Act, 1976 removed area restrictions with effect from 20.09.1976, further clarified by the Government of Maharashtra Circular of 1977. The affinity finding is also unsustainable, the petitioner and his relatives correctly answered the entire questionnaire, but the Committee adopted a hyper-technical approach of repeated layered questioning without any expert, research material, or anthropological data regarding Thakur Scheduled Tribe, as established by the RTI reply of

01.07.2005 of the Amravati Committee itself, contrary to the Full Bench mandate in **Shilpa Thakur Vs. State of Maharashtra, 2009(3) Mh.L.J. 995** and **Kumari Madhuri Patil Vs. Addl. Commissioner, Tribal Development, (1994) 6 SCC 241**.

10. The point regarding area restriction is covered by the decision of the Apex Court in the case of **Jaywant Dilip Pawar vs. State of Maharashtra and others, 2018 (5) ALL MR 975 (S.C.)**. The Apex Court has held that after the amendment to the second schedule by Second Schedule Act No.108 of 1976, the area restrictions are removed. It was the case for the claim of Thakur-Scheduled Tribe in the State of Maharashtra and the High Court confirmed the rejection by the Committee on the ground that the relatives of the appellant were not residents of the areas mentioned in the Presidential Order of 1956. The Apex Court allowed the appeal and quashed and set aside the decision of this Court. In view of this, the point is no longer open to challenge and the Committee fell in error in rejecting the claim of the petitioner on the ground of area restriction.

11. The second point regarding failure to establish the affinity test is concerned, it is covered by the decision of the Apex Court in **Anand vrs. Committee for Scrutiny and Verification of**

Tribe Claims and others, 2011 (6) Mh.L.J. 919. In the said decision, the Apex Court has held that the affinity test can be used only as a corroborative piece of evidence and set aside the findings of this Court holding that the caste claim can not be accepted merely on the strength of documentary evidence. In view of this decision and the fact that the petitioner has produced the documents having probative value, the genuineness of which is not disputed, the second ground stated by the Committee to reject the claim cannot be sustained.

12. Further it is submitted that, as regards the judgment in Writ Petition No.304/2014 dated 22.12.2015 concerning the petitioner's paternal aunt Ku. Sangeeta Suresh Jaunjale, it is submitted that the said judgment pertains only to protection of service and the bar therein operates against her and her "progeny". Thus, the petitioner being her nephew does not fall within the definition of "progeny", rendering the said judgment wholly inapplicable to his case. Reliance is placed on **Pandurang Rangnath Chavan Vs. State of Maharashtra, 1998(2) Mh.L.J. 802** and **Anand Vs. Committee for Scrutiny and Verification of Tribe Claims, (2012) 1 SCC 113.**

13. Per contra, learned Assistant Government Pleader for

Respondent No.1 supported the impugned order. It is submitted that the petitioner was given due opportunity of hearing. The vigilance enquiry procured the following adverse documents:

Sr No	Document Type	Name	Relation	Date	Caste
1	Birth Record Extract, Naved, Bhatkuli, Amravati	Village Tq. Dist. (Ambadas) born to Shripat	Male child Great Great Grandfather	23.11.1915	Bhat
2	Birth Record Extract, Naved, Bhatkuli, Amravati	Village Tq. Dist. born to Shripat	Male child Great Great Grandfather	25.09.1923	Bhat
3	School Record, Kolapur, Bhatkuli, Amravati	Tq. Dist. Ambadas Shripat s/o. Auchit, Naved (DOB 23.11.1915 matches SR.No.1)	Great Grandfather	07.07.1932	Thakur

14. It is submitted that the birth entries of 1915 and 1923 pertain to the pre-independence era and carry great probative value. The entry "Thakur" at Sr. No. 44 does not include "Bhat", "Thakur Bhat", or "Thakur Hindu" in view of Milind Katware, Palghat Thandan, and State of Maharashtra v. Keshav V. Sonone and the Presidential Order must be read as it is. It is further submitted that "Thakur" is not exclusive to Scheduled Tribe and is used as a caste, title, and honorific by Rajput, Maratha, Kshatriya,

Bhat, and Brahmabhat communities. Thakur Scheduled Tribe members habitually reside only in Thane, Kulaba, Nashik (Nashik Taluka only), Pune, and Ahmadnagar Districts not at the petitioner's place of residence. The petitioner failed to establish socio-cultural affinity with Thakur Scheduled Tribe his mother tongue, dialect, religion, gods and goddesses, and surnames of relatives not reflecting the required anthropological affinity. The judgment in Writ Petition No.304/2014 in respect of the petitioner's paternal aunt expressly holds that neither she nor her progeny is entitled to Scheduled Tribe benefits, which operates against the petitioner's claim. The impugned order is therefore just, proper, and legal and deserves to be upheld.

15. We have considered the contentions canvassed by the learned counsels for the respective parties and with their assistance gone through the record of the Scrutiny Committee. The primary reason for rejecting the caste claim of the petitioner, there are adverse entries depicting the caste of the forefathers of the petitioner as "Bhat" and therefore his caste claim for "Thakur" caste cannot be validated. As can be seen from the vigilance inquiry report placed on record, the document which is an extract of admission register of one Ambadas Shilpat, who claims to be a

great grandfather of the petitioner and the document is dated 7/7/1932 is of village Naved, post Kholapur. The said document is thus from a different village. It is also further noteworthy to mention that the said document is of one 'Shilpat', whereas the family tree shows father of Ambadas as 'Shripat' not 'Shilpat'. Thus, as has been rightly submitted by the counsel for the petitioner that the said document does not belong to his forefather and more particularly great grandfather.

16. There was a positive entry of one Ambadas Shripatrao showing the caste as "Thakur" and this document is of the year 1943. The reason for discarding the said document is that the record is not available and, therefore, the document cannot be provided. This reasoning in our view is fallacious, inasmuch as only because the document cannot be made available from the office of the concerned record keeper or Collector that cannot be reason to non-suit when the authenticity of the document produced by the petitioner before the Scrutiny Committee was never in doubt.

17. Further as far as the document dated 23/11/1915 is concerned, the said document is showing "Bhat" and therefore this is one of the reason to reject the claim of the petitioner. However, we have perused that document and from that it is clear enough

that the in the said document the name is “Ambadas Shilpat” and not “Ambadas Shripat” as has been claimed by the petitioner. Furthermore, there is a difference in the name of the village. The village shown in the said document is Naved while the petitioner claims to be of village Matargaon. Thus, it seems that the due to the phonetic similarity in the name, the vigilance has procured document of some other person and relied upon it thereby rejecting the claim of the petitioners for verification. It, therefore, follows that there are old documents right from 1915 showing the caste of the forefathers as “Thakur” and, therefore, the Scrutiny Committee was not correct in rejecting the claim of the petitioner on the basis of contra entries showing the caste as “Bhat”.

18. As stated supra, the said contra entries do not match with the name of the forefathers of the petitioner neither the name of the village matches. In that view of the matter, in our considered opinion, the order of the Scrutiny Committee is unsustainable in law and the same is liable to be quashed and set aside. We therefore allow the present petition and pass the following order.

ORDER

- (i) The petition is allowed.
- (ii) The order passed by the respondent No.1

Scrutiny Committee, Amravati dated 3/9/2020, in Case No.5/500/Edu.082019/149395 is quashed and set aside.

(iii) It is directed that the Scrutiny Committee, Amravati should issue a validity certificate to the petitioner certifying him to be belonging to "Thakur" Scheduled Tribe within four weeks from the date of this order.

(iv) The Writ Petition is disposed of.

(v) Rule is made absolute in the abovestated terms.

(NANDESH S. DESHPANDE, J.)

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