



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 696 OF 2022

Ashok s/o Uttam Suryawanshi
Age 58 years, Occu. Retired
R/o Chilane, Tq. Shindkheda,
Dist. Dhule

...Petitioner

VERSUS

1. Scheduled Tribe Certificate
Scrutiny Committee,
Nandurbar Division,
Nandurbar
2. Divisional Joint Registrar
Co-operative Societies (Audit)
Nashik Division Nashik
3. District Special Auditor,
Co-operative Societies
Dhule

...Respondents

...
Mr. Umesh B. Gite h/f. Mr. Mahesh S. Deshmukh for the petitioner.
Ms. Chaitali R. Chaudhari-Kutti for Respondent Nos. 1 to 3.

...
CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.

Reserved on : 17.03.2026

Pronounced on : 27.03.2026

JUDGMENT (PER : ABASAHEB D. SHINDE, J.) :

1. Heard.
2. Rule. Rule is made returnable forthwith. By consent of the parties heard finally at the stage of admission.
3. By this Writ Petition the petitioner takes exception to the impugned order dated 23.03.2021 passed by Respondent No.1-Scrutiny Committee



thereby invalidating the tribe claim of the petitioner of belonging to 'Thakur', Scheduled Tribe.

4. Learned Counsel for the petitioner would submit that the petitioner in support of his tribe claim has submitted the following documents :-

Sr. No.	Type of Record	Name of recordholder	Relation with applicant	Caste record	Date
1.	School Record	Ashok Uttam Suryawanshi	Applicant	Hindu Thakur	12.06.1968
2.	School Record	Uttam Dajbhau Thakur	Father	Thakur	20.04.1933
3.	School Record	Shaligram Uttam Thakur	Brother	Hindu Thakur	15.06.1956

5. He would further submit that even during the course of Vigilance Cell Enquiry the Vigilance Cell found the following documents :-

Sr. No.	School Name	Name of Student	Relation with applicant	Caste	Admission Date
1.	School Record	Ashok Uttam Suryawanshi	Applicant	Hindu Thakur	12.06.1968
2.	School Record	Uttam Dajbhau	Father	Thakur	20.04.1933

6. Learned Counsel for the petitioner therefore submit that despite the above documents pertaining to *pre independence* era were produced before Respondent No.1-Scrutiny Committee, the Respondent No.1-Scrutiny Committee rejected the tribe claim of the petitioner on the ground of area restrictions as well as failure of petitioner to satisfy the affinity test. He, therefore urge that Respondent No.1-Scrutiny Committee has committed an error in not considering the oldest



documents having probative value as well as harping on the affinity test.

In support of his submission, the learned Counsel for the petitioner relied on the judgement of this Court dated 25.02.2026 in Writ Petition No.7472 of 2021 in the case of ***Abasaheb s/o Gulabrao Thakur Vs. The State of Maharashtra and Ors.*** and other connected Writ Petitions.

7. Per contra, learned AGP though supports the findings arrived at by Respondent No.1-Scrutiny Committee, however, she does not dispute the legal position as has been enumerated in the judgement of ***Abasaheb s/o Gulabrao Thakur*** (supra).

8. Having heard the learned Counsel for the petitioner as well as learned AGP, we find that the petitioner has relied on the school record of his father namely, Uttam Dajbhau Thakur dated 20.04.1933 as well as school record of his real brother, namely Shaligram Uttam Thakur dated 15.06.1956 showing their caste as 'Thakur', Scheduled Tribe. We find that since the petitioner has produced on record the oldest document of pre independence era pertaining to his father dated 20.04.1933 showing the caste of his father as 'Thakur', Scheduled Tribe, the Respondent No.1-Scrutiny Committee could not have discarded the said document.

9. We are therefore of the considered view that Respondent No.1-Scrutiny Committee could not have invalidated the tribe claim of the petitioner ignoring the oldest documents merely on the ground of area restriction as well as affinity test. This Court in the case of ***Abasaheb s/o Gulabrao Thakur*** in that regard has made following observations :-



“12. Learned AGP also sought to contend that though the documents produced by the petitioner is showing caste as ‘Thakur’ that ipso facto does not mean that the petitioner belongs to ‘Thakur’ Scheduled Tribe when ‘Thakur’ caste is also shown in Upper Caste, however, this Court in the case of **Lahu Dashrath Thakur vs. Scheduled Tribe Certificate Scrutiny Committee, Nandurbar Region Nandurbar and others** decided on 11.03.2025 in **Writ Petition No.9283 of 2012** relying on the judgment of this Court in the case of Ravindra Pralhadrao Khare vs. State of Maharashtra and Others in Writ Petition No. 11241 of 2012, has dealt with the similar issue. The relevant observations of this Court in the case of **Lahu Dashrath Thakur** (supra) and more particularly paragraph No.9 reads thus :

“9.

In this regard, a useful reference can be made to the decision of the Division Bench in the matter of **Ravindra Pralhadrao Khare Vs. State of Maharashtra and Others**, in Writ Petition No.11241/2012. The coordinate bench had occasion to deal with the issue that if only Thakur is mentioned as caste in pre-constitutional document, then what would be the consequences. We reproduce paragraph nos. 3, 4, 5 and 6:

3. We have carefully considered the submissions. It will be necessary to make a reference to the impugned judgment and order. The Caste Scrutiny Committee has referred to the school record of the Petitioner's father which Committee has also referred to the death extract of the grand father of the discloses that in the year 1948, his caste was recorded as "Thakur, The Scrutiny Petitioner which shows that in the year 1947, his caste has been shown as "Thakur. The third important document referred to by the Scrutiny Committee is the service book of the Petitioner's father which shows that his caste was "Thakur. These three documents have been brushed aside by the Scrutiny Committee by making following observations:

As said earlier, the only caste entry as Thakur does not clarifies whether the incumbent belongs to Thakur, Scheduled Tribe or Thakur, non-tribal group. Hence, though the document is oldest, the same cannot be treated as conclusive in nature while determining the tribe claim of the applicant.

4. We fail to understand as to how the Caste Scrutiny Committee expects. the documents of the years 1947-1948 to mention as to whether the caste "Thakur" belongs to the category of Scheduled Tribe or the category of non-tribal. In the years 1947-1948, such entries could not have been made. Another finding recorded by the Tribunal is that the Petitioner could not establish his affinity to the caste and to the area. On this aspect, it will be necessary to make a



reference to what is held by the Apex Court in the case of Anand (supra) in Paragraph 22. The Paragraph 22 of the said decision reads thus:

18. It is manifest from the afore-extracted paragraph that the genuineness of a caste claim has to be considered not only on a thorough examination of the documents submitted in support of the claim but also on the affinity test, which would include the anthropological and ethnological traits etc., of the applicant. However, it is neither feasible nor desirable to lay down an absolute rule, which could be applied mechanically to examine a caste claim. Nevertheless, we feel that the following broad parameters could be kept in view while dealing with a caste claim:

(i) While dealing with documentary evidence, greater reliance may be placed on pre Independence documents because they furnish a higher degree of probative value to the declaration of status of a caste, as compared to post Independence documents. In case the applicant is the first generation ever to attend school, the availability of any documentary evidence becomes difficult, but that ipso facto does not call for the rejection of his claim. In fact the mere fact that he is the first generation ever to attend school, some benefit of doubt in favour of the applicant may be given. Needless to add that in the event of a doubt on the credibility of a document, its veracity has to be tested on the basis of oral evidence, for which an opportunity has to be afforded to the applicant;

(ii) While applying the affinity test, which focuses on the ethnological connections with the scheduled tribe, a cautious approach has to be adopted. A few decades ago, when the tribes were somewhat immune to the cultural development happening around them, the affinity test could serve as a determinative factor. However, with the migrations, modernisation and contact with other communities, these communities tend to develop and adopt new traits which may not essentially match with the traditional characteristics of the tribe. Hence, affinity test may not be regarded as a litmus test for establishing the link of the applicant with a Scheduled Tribe. Nevertheless, the claim by an applicant that he is a part of a scheduled tribe and is entitled to the benefit extended to that tribe, cannot per se be disregarded on the ground that his present traits do not match his tribes peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. Thus, the affinity test may be used to corroborate the documentary evidence and should not



*be the sole criteria to reject a claim."
(Underlines added)*

5. The Apex Court has held that the affinity test may be used to corroborate the documentary evidence but should not be the sole criteria to reject the caste claim.

6. In the present case, three material documents which we have referred to earlier have been brushed aside by the Scrutiny Committee by recording reasons which are not at all justified and thus, the claim is rejected primarily on the basis of the affinity test. In view of the law laid down by the Apex Court in the case of Anand (supra), only on the basis of the affinity test, the caste claim of the Petitioner could not have been rejected."

*13. It would also be apposite to refer to paragraph No.10 of the Judgment of **Lahu Dashrath Thakur** (supra) which reads thus :*

"10. The present case is squarely covered by the principles laid down by the coordinate bench referring to the decision of Supreme Court in the matter of Anand Vs. Committee for Scrutiny and Verification of Tribe Claims and Others (supra). Even reliance on the affinity test cannot be a sole criteria to reject the claim. The finding recorded by the Committee for discarding the pre-constitutional record is perverse which is appearing on page no.48 of the paper-book."

14. So far as the contention of learned AGP relying on the findings recorded by the respondent No.2/Scrutiny Committee regarding various categories of Scheduled Tribe with synonymity is concerned, no doubt the Scrutiny Committee has relied on five categories of caste 'Thakur' however, we are concerned with Serial No.1 as it refers to 'Thakur' which is found Serial No.44 of the Constitutional Order. Serial Nos.2 and 3 are 'Thakar' and therefore, they are irrelevant. Serial Nos.4 and 5 refers to 'Thakur' of upper caste or some other caste.

*15. We however, find that there was no occasion for either the petitioner or his forefathers to fraudulently record their caste as 'Thakur' so as to claim themselves of belonging to Scheduled Tribe 'Thakur'. In the light of documents of pre-independence era, we are of the considered view that the petitioner and his forefathers have to be treated as Scheduled Tribe 'Thakur' more so in the absence of any material to show that they belong to the upper caste 'Thakur'. We have already held that one entry showing the caste of petitioner's uncle as 'Brahmbhat', cannot discard the previous entries showing the caste of petitioner's forefathers as 'Thakur' Scheduled Tribe. We are therefore, of the considered view that the case of petitioner is squarely covered by the judgment of this Court in the case of **Lahu Dashrath Thakur** (supra).*

16. Last but not the least, it is contended by learned AGP that in the



light of Judgment of the Hon'ble Apex Court in the case of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and Ors.** reported in **2023 (16) SCC 415** as well as the subsequent order passed by the Hon'ble Apex Court dated 12.12.2025 in **Civil Appeal No. 2502 of 2022** in the case of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and Ors., the Scrutiny Committee can take the affinity test as one of the relevant factor for invalidation of tribe claim and this exactly what has been done by the Scrutiny Committee while invalidating the petitioner's tribe claim of belonging to 'Thakur' Scheduled Tribe since, petitioner has failed to satisfy the affinity test.

17. In that regard, it would be profitable to refer to the observations of the Hon'ble Apex Court in paragraph No. 21 of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti** (supra).

"21. In the impugned judgment in Civil Appeal No. 2502 of 2022 (Shilpa Vishnu Thakur's case)", the Full Bench of the Bombay High Court has noted that people having the surname "Thakur" belong to both forward castes and various backward castes. Therefore, the Full Bench may be right in saying that in every case, only on the basis of the surname Thakur, it cannot be concluded by the Scrutiny Committee that the applicant belongs to Scheduled Tribe Thakur notified in the Entry 44 of the Maharashtra list. However, we must note that in the case of a person having the surname Thakur, there may be evidence in the form of entry of the name of the caste as a Tribe or Scheduled Tribe in the land records, school or college records or any official records concerning the applicant or his ancestors. Only on the ground that the persons having the surname Thakur may belong to a forward caste as well, it is not necessary that in every case, the Scrutiny Committee should send the case to Vigilance Cell. It all depends on the nature of the documents produced before the Caste Scrutiny Committee and the probative value of the documents. Therefore, whenever a caste claim regarding Thakur Scheduled Tribe is considered, the Caste Scrutiny Committee in every case should not mechanically refer the case to the Vigilance Cell for conducting an enquiry including affinity test. The reference to the Vigilance Cell can be made only if the Scrutiny Committee is not satisfied with the material produced by the applicant."

18. It is clear from the observations of the Hon'ble Apex Court that it would depend on the nature of the document produced before the Scrutiny Committee for referring the matter to the vigilance cell enquiry. We have already observed that the documents pertaining to 1919, 1925 and 1934 cannot be brushed aside which unequivocally shows the tribe claim of petitioner's forefathers of pertaining to 'Thakur' Scheduled Tribe. We therefore, do not find any substance in contention of learned AGP in that regard."



10. In the light of the above observations of this Court in the case of *Abasaheb s/o Gulabrao Thakur* (supra), we find that the decision of the Respondent No.1-Scrutiny Committee thereby invalidating the tribe claim of the petitioner on the ground of affinity test as well as area restriction without considering the oldest documents which supports the case of the petitioner, is perverse and is therefore liable to be quashed and set aside. We, therefore, are inclined to allow this Writ Petition by passing the following order :-

:: O R D E R ::

- i. The Writ Petition is allowed.
- ii. The impugned order passed by Respondent No.1-Scrutiny Committee dated 23.03.2021 thereby invalidating the tribe claim of the petitioner is hereby quashed and set aside.
- iii. The respondent No.1-Scrutiny Committee is hereby directed to issue validity certificates to the petitioners of belonging to 'Thakur', Scheduled Tribe.
- iv. Rule is made absolute in above terms.

(ABASAHEB D. SHINDE, J.)

(SANDIPKUMAR C. MORE , J.)