



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

WRIT PETITION NO. 7154 OF 2014

Ambar Raghunath Mahale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri A. S. Golegaonkar, Advocate for the Petitioner.
Shri A. S. Shinde, A.G.P. for the Respondent Nos. 1 to 5.

**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.
DATE : 06TH FEBRUARY, 2025.**

ORDER :

. With the consent of the parties heard both sides finally at the admission stage.

2. The petitioner is challenging judgment and order dated 30.06.2014 passed by the respondent No. 2/Scrutiny Committee invalidating his tribe certificate of 'Thakur' Scheduled Tribe. The grounds for assailing the judgment are that clinching school record of pre-constitutional period having greater probative value was discarded and validities issued to the blood relatives were also not considered in proper perspective. The learned counsel for the petitioner tenders on record table disclosing the material pressed into service including the details of the validities.

3. The learned Assistant Government Pleader supports the

impugned judgment and order. He submits that the committee has considered all aspects of the matter while rejecting the tribe claim. The validities and the school record are rightly discarded. The affinity test was recorded against the petitioner. The findings on the area restriction also cannot be faulted.

4. Having heard both sides, the material pressed into service by the petitioner to support tribe claim has not been disputed by the learned A. G. P. as well as the Committee. The relationship of the petitioner with the validity holders is also not disputed. Following details in the tabular form are provided by the petitioner.

Sr. No.	Name of the relative of the petitioner	Date of Admission	Relationship with the petitioner	Name of the document
1	Gulabsing Khumansing	06.08.1926	Cousin uncle	School admission extract
2	Ramsing Himmatsing	11.07.1922	Cousin uncle	— “ —
3	Anantsing Karansing	06.08.1926	Cousin uncle	— “ —
4	Bhagwan Guman	06.01.1932	Real uncle	— “ —
5	Raghunath Guman	11.06.1945	Father	— “ —
6	Dalibai Guman	02.03.1950	Real paternal aunt	— “ —

The petitioner also relied on following validities in the family.

Sr. No.	Name of the validity holder	Relation with the petitioner	Name of the committee issuing validity with date
01	Pradeep Trimbak Mahale	IIInd degree	01.01.2007

		paternal cousin	
02	Girish Ambar Mahale	Son	Nandurbar Committee 18.02.2021
03	Vaishali Ambar Mahale	Daughter	Nandurbar Committee 18.02.2021

5. In view of the pronouncement of the Supreme Court in the matter of Anand Vs. Committee For Scrutiny and Verification of Tribe Claims and others, reported in (2012) 1 Supreme Court Cases 113, pre-constitutional record referred above is having greater probative value, supports the claim of the petitioner. The petitioner's son and daughter have been conferred with the validity certificates. Apparently, procedure was followed for issuing validities in the family. The petitioner deserves validity certificate on of parity.

6. The affinity test is not a decisive factor as per the latest judgment of the Supreme Court in the matter of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others reported in 2023 SCC Online SC 326. After removal of area restriction in 1976, place of residence of the petitioner and his forefathers loses the significance. We find that the impugned judgment and order is unsustainable. We, therefore, pass following order.

ORDER

(i) The writ petition is allowed.

(ii) The impugned judgment and order dated 30.06.2014 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.

(iii) The respondent No. 2/Scrutiny Committee shall issue validity certificate to the petitioner of 'Thakur' scheduled tribe immediately.

(iv) There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

bsb/Feb. 25