



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

**WRIT PETITION NO.4836/2023**

Shri Gajanan Mahadeo Wankhade  
Aged: 52 years, Occu. : Service  
R/o Jagdambanagar, Khamgaon road,  
Shegaon, tah. Shegaon,  
District Buldhana

**....PETITIONERS**

**...VERSUS...**

1. State of Maharashtra  
through its Secretary  
Department of Social Justice and  
Empowerment Mantralaya, Mumbai
2. Scheduled Tribe Certificate  
Scrutiny Committee, Amravati  
Division Amravati, through its  
Chairman,  
Office : Near Govt. Guest House, Sana  
House, Old Bypass road,  
Chaprashipura, Amravati
3. Deputy Superintendent of Police  
(Home),  
Buldhana Police Superintendent  
Buldhana

**...RESPONDENTS**

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Shri Prafulla Khubalkar, Advocate for petitioner  
Shri V.A. Thakare, AGP for respondents  
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**CORAM : VINAY JOSHI AND SMT. M.S. JAWALKAR, JJ..**  
**DATED: 19/06/2024**

**ORAL JUDGMENT (PER SMT. M.S. JAWALKAR, J.)**

Rule. Rule made returnable forthwith. Heard finally by consent of learned Counsel for the respective parties.

2. The petitioner was appointed as Police Head Constable by respondent No.3 on 11/09/1989. After a period of 24 years, respondent No.3 referred the petitioner's caste claim for scrutiny before the Caste Scrutiny Committee, Amravati. The petitioner had submitted total 23 documents and relied on 5 documents of pre-independence era i.e. 1) extract of entry of Kotwali register about birth of a son to Natthu Pandu Thakur, the grandfather of petitioner of the year 1940 showing Natthu Pandu as Thakur, 2) School leaving certificate of father of petitioner, Mahadeo Natthu Thakur, mention date of admission as 27/04/1948, 3) Extract of death register about death of son born to Natthu Pandu Thakur dated 06/05/1939, 4) Extract of death register about death of son born to Natthu Pandu Thakur. There is one more document dated 20/10/1942, showing Natthu Pandu Thakur placed by vigilance

cell. Vigilance Cell Enquiry was conducted and show cause notice was issued to the petitioner. In response to the said show cause notice, the petitioner submitted his explanation. The Committee passed final order on 07/07/2023 by which the petitioner's caste claim is invalidated. The said order is under challenge in the present writ petition.

3. It is contended by learned Counsel for petitioner that though it is erroneously observed by the Committee that although there is mention of caste as 'Thakur' in all the documents, but it cannot be presumed that these are documents are of Scheduled Tribe, because the place of residence of the forefathers of the petitioner is not from the region which was the region of Scheduled tribes people, before the area restriction was removed.

4. The learned Counsel for the Scrutiny Committee supported the order passed by the Caste Scrutiny Committee. There is no dispute over the family tree. Admittedly, there is no

adverse entry in any of the documents produced by the petitioner or collected by the vigilance cell. It is very supersizing that once the area restriction is removed, the Caste Scrutiny Committee ought not to have considered here the area of tribal before removal of area restriction. There was no basis to hold that 'Thakur' entries in respect of relatives of the petitioner is not the entry related with 'Thakur' Scheduled Tribe. The Committee is not entitled to interpret the entry once documents are showing the forefather of the petitioner belonging to 'Thakur' Scheduled Tribe. The Committee ought to have granted validity certificate in favour of the petitioner. The order passed by the Caste Scrutiny Committee is patently erroneous and is not sustainable in the eye of law. Considering the pre-independence documents pertaining to pre-independence era showing forefathers of the petitioner belonging to 'Thakur' tribe. Thus, the order passed by the Caste Scrutiny Committee is liable to be quashed and set aside. Accordingly, we pass the following order:

**ORDER**

i) The order dated 07/07/2023 passed by the respondent No.2/ Schedule Tribe Certificate Scrutiny Committee, Amravati, in Case No. सआ/अजप्रतस/अम/5-ST/2013/12143 is hereby set aside.

ii) It is declared that the petitioners belong to 'Thakur' Scheduled Tribe which is entry No.44 in the Constitution (Scheduled Tribes) Order, 1950.

iii) The Schedule Tribe Caste Certificate Verification Committee, Amravati shall issue validity certificate to the petitioner within a period of four weeks from today.

5. Rule is made absolute in above terms. No costs.

**JUDGE**

*R.S. Sahare*

**JUDGE**