



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

WRIT PETITION NO.4101 OF 2021

Gajanan S/o Matiram Donge
 Aged about 59 years, Occ: Retired,
 R/o Amrut Nagar, Jalamb Road,
 Khamgaon, Taluka Khamgaon,
 Distt. Buldana.

...PETITIONER

...V E R S U S...

The Vice-Chairman/Member Secretary,
 Scheduled Tribe Caste Certificate Scrutiny
 Committee, Chaprashipura, Amravati.

...RESPONDENT

 Ms Preeti Rane, Advocate for petitioner.
 Shri M.J. Khan, AGP for respondent.

CORAM :- AVINASH G. GHAROTE &
M.W. CHANDWANI, JJ.

RESERVED ON :- 08.08.2024.

PRONOUNCED ON :- 13.08.2024.

JUDGMENT (PER : M.W. CHANDWANI, J.):

1. **Rule.** Rule is made returnable forthwith. Heard finally
 with the consent of both counsel.

2. The petition challenges the order dated 23.08.2021
 passed by the respondent - Scheduled Tribe Certificate Scrutiny
 Committee, Amravati, whereby the claim of the petitioner as
 “Thakur”, a scheduled tribe has been invalidated.

3. The petitioner was selected on the post of Helper on the establishment of Maharashtra Road Transport Corporation, Buldhana from the Scheduled Tribe reserved category. The petitioner through proper channel had forwarded his tribe claim towards 'Thakur' for verification and issuance of validity certificate, which is enrolled at serial no.44 of the Constitution (Scheduled Tribes) Order, 1950. The petitioner filed various documents in support of his claim. The vigilance was conducted in the matter of tribe claim of the petitioner. The petitioner was asked to submit reply. After considering the vigilance report, respondent – Scrutiny Committee invalidated the tribe claim of the petitioner mainly on the ground that the tribe claim of seven blood relatives of the petitioner as 'Thakur' were invalidated by the respondent apart from the affinity test.

4. The contention of the petitioner is that none of seven persons whose tribe claims have been invalidated by the respondent are the blood relatives of petitioner.

5. Learned AGP made a statement that the contention of the petitioner is correct that none of those seven persons whose tribe claim have been invalidated by the respondent are blood relatives of the petitioner. The reliance therefore placed by the

respondent-Committee on these documents to invalidate the tribe claim of the petitioner is clearly unjustified.

6. The documents filed by the petitioner before the respondent-Committee from 1926 consistently show the caste blood relatives of the petitioner as 'Thakur'. What remains to be considered is, the ground why petitioner could not qualify the affinity test conducted by the Vigilance Cell. The law in this regard is no *res integra* in the case of *Maharashtra Adiwasi Thakur Jamat Swarakhshan Samiti Vs. State of Maharashtra and others* ¹, wherein it has been held that the affinity test is not a litmus test for affinity caste claim.

7. In view of above, the writ petition is allowed. The impugned order dated 23.08.2021 passed by respondent – Scrutiny Committee in Case No.5/ST/2008/10168 is hereby quashed and set aside. It is declared that petitioner belongs to Thakur, Scheduled Tribe and the respondent is directed to issue validity certificate of 'Thakur' Scheduled Tribe within a period of four weeks from today.

Rule is made absolute in aforesaid terms with no order as to costs.

(M.W. CHANDWANI, J.)

(AVINASH G. GHAROTE J.)

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