



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

**NAGPUR BENCH, NAGPUR**

**WRIT PETITION NO.1025/2015**

Ramesh s/o Parvatrao Chavan,  
aged about 56 years, Occupation-  
Service, Resident of Ward No.18,  
Gandhi Nagar, Chikhali, District-  
Buldhana.

**....PETITIONER**

**...VERSUS...**

1. The State of Maharashtra,  
through its Secretary, Tribal  
Welfare Development,  
Mantralaya, Mumbai-32,
2. Scheduled Tribe Certificate  
Scrutiny Committee, Amravati  
Division, through its Member  
Secretary, Irwin Chowk,  
Amravati.

**...RESPONDENTS**

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Shri R.S. Parsodkar, Advocate with Shri P.R. Parsodkar, Advocate for petitioner  
Shri A.M. Joshi, AGP for respondent Nos.1 & 2  
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**CORAM : AVINASH G. GHAROTE AND**  
**SMT. M.S. JAWALKAR, JJ..**

**DATE OF RESERVING THE JUDGMENT : 15/01/2024**

**DATE OF PRONOUNCING THE JUDGMENT: 23/01/2024**

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

Heard.

2. Rule. Rule made returnable forthwith. Heard finally with the consent of Shri R.S. Parsodkar, Advocate with Shri P.R. Parsodkar, learned Counsel for petitioner and Shri A.M. Joshi, learned AGP for respondent Nos.1 & 2.

3. The challenge to the petition is to the order of invalidation of the Caste claim of the petitioner by the Caste Scrutiny Committee, Amravati. The petitioner claims to be belonging to “Thakur” Scheduled Tribe, which is recognized at Sr. No.44 in the Constitution (Scheduled Tribe) Order, 1950. The petitioner is in service of an Irrigation Department and was appointed as Sectional Engineer on 16/11/1981. It is contended that the petitioner had applied for the verification of his Tribe claim for “Thakur” Schedule Tribe for service purpose through the Under Secretary, Irrigation Department, Mantralay, Mumbai on

23/07/1996. It is contended that the petitioner has been conferred with caste certificate as "Thakur" Schedule Tribe on 20/08/1979. It is further contended that there are three validity certificates issued by the Scrutiny Committee of Nashik and Aurangabad to the close relatives of the petitioner; one to the petitioner's sister's son namely Girish Vithalrao Thakur on 13/08/1993 by the Caste Scrutiny Committee, Nashik and other to the petitioner's elder daughter namely Swapna Ranesh Chavan by Aurangabad Committee on 21/04/2001 and the third one is granted to the petitioner's real brother's daughter namely Priti Sunil Chavan (who is niece of petitioner) on 30/08/2002 by Aurangabad Committee. The Respondent no. 2 discarded all the above validity certificates and other pre-constitutional documents and rejected the Tribe claim of the petitioner and passed impugned order.

4. Oldest document is of the year 1915 which is first page of service book of Parvat Ramji who is shown as belonging to Thakur

Scheduled Tribe of the father of Petitioner. Another entry death extract of Rajaram Thakur dated 19/01/1916 grand-father of Petitioner. The birth extract of Sitaram Thakur dated 04/07/1933 showing belonging to “Thakur” Tribe. Consistently, in all the documents as many as 103 documents which shows the relatives of the petitioner belonging to “Thakur” Tribe. Similarly, there are documents consistently showing that person in blood relation of the petitioner as belonging to “Thakur” Tribe. Not only this, there is caste validity certificate issued by Aurangabad Scrutiny Committee in respect of Sapna Chavan dated 21/04/2001 and Priti Chavan dated 30/08/2002 issued by Aurangabad Scrutiny Committee. In the said validity certificate, Priti and Sapna both were shown belonging to “Thakur” Scheduled Tribe. There is no dispute over genealogical tree and relation of petitioner with Priti and Sapna.

5. In view of decision in Writ Petition No.2685/2022, it is

already held by this Court by the ground of rejection put-forth in the impugned order is illegal as there is no law which restrict, the validity certificate only to the area over which the Scrutiny Committee has its jurisdiction. Once the validity certificate is granted to a claimant, it would become conclusive proof of social status acquired by that person for all purpose and in any territory where such proof is required to be submitted.

6. In our considered opinion, the only reason for not considering those validity certificates appears to be that the same was issued by Scheduled Tribe Scrutiny Committee, Aurangabad. Once the validity certificate is granted to a claimant, it becomes the conclusive proof of the social status acquired by that person for all purpose and in any territory where such proof is required to be submitted. Therefore, such validity certificate can also be used as having sufficient evidentiary value in the caste or tribe claim placed by the other relatives of a person in whose favour, those

certificates are issued. As such, reasoning adopted by the Scrutiny Committee is totally erroneous and contrary to the law laid down by this Court. As such, petitioner is entitled to have his tribe certificate validated by the Scrutiny Committee.

7. The petition is allowed in terms of prayer Clause 'A'. The Scheduled Tribe Certificate Scrutiny Committee, Amravati is directed to issue validity certificate to the petitioner as belonging to "Thakur" Scheduled Tribe within a period of three weeks from the date of this order.

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

**JUDGE**

**JUDGE**

R.S. Sahare