



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

WRIT PETITION NO.5647/2021

Pramod s/o. Prabhakar More,
Age : 20 Yrs., Occupation : Student,
R/o. Wakad, Tq. Risod, Dist. Washim.

...PETITIONER

VERSUS

Scheduled Tribe Caste Certificate Scrutiny
Committee, Amravati, Old By Pass Road,
Chaprashipura, Amravati through its Vice
Chairman/ Joint Commissioner.

...RESPONDENTS

Mr. A. P. Kalmegh, Advocate for Petitioner.

Mr. H. D. Marathe, Assistant Government Pleader for Respondent/State.

CORAM : NITIN W. SAMBRE AND MRS.VRUSHALI V. JOSHI, JJ.

JUDGMENT RESERVED ON : 13.03.2025

JUDGMENT PRONOUNCED ON : 24.03.2025

JUDGMENT (PER : MRS.VRUSHALI V. JOSHI, J.)

1. **Rule.** Rule made returnable forthwith and heard finally by consent of the learned Counsel for the parties.

2. By way of present petition, the petitioner has challenged the decision of the Scrutiny Committee, Amravati, vide order dated 18.11.2020 invalidating his tribe claim as that of belonging to "Thakur" Scheduled Tribe.

3. It is the case of the petitioner that on 22.03.2018 Sub-Divisional Officer, Washim issued a caste certificate certifying that he

belongs to “Thakur” caste. The petitioner requires the caste validity certificate of Scheduled Tribes Category to get admission in a professional course. He submitted his caste certificate along with necessary documents for verification to the college. The college vide application dated 16.08.2019 forwarded the tribe claim of the petitioner to the respondent - Caste Scrutiny Committee, Amravati, for verification. The Committee dissatisfied with the claim of the petitioner and as such forwarded the same to the Vigilance Cell for further enquiry. The vigilance cell officer after conducting an enquiry submitted a report on 15.12.2020 to the respondent – Committee, which in turn issued a show cause notice dated 22.12.2020 to the petitioner seeking explanation as to why his tribe claim should not be rejected.

4. It is pertinent to note that the petitioner has submitted the documents prior to the presidential order of the year 1950 and validity certificate of “Thakur” Scheduled Tribe Category of his cousin uncle (Nandkumar Manohar Morey) and cousin aunts (Swati Ashok More) and (Nirmala Vitthalrao More-Ingle) hailing from the paternal side in order to consider his claim of category.

5. The report of the Vigilance Cell observes that Narhari Sitaram More appears to be the great grandfather of the petitioner. Perusal of the

register of birth-death record reveals that there is a mention of another child of Sitaram More (great great grandfather) about which the father of the petitioner is unaware when enquired upon.

6. The learned Counsel for the petitioner Mr. Kalmegh, prays to quash and set aside the order rejecting the tribe claim of the petitioner as “Thakur”. He contends that the respondent - Committee ignored the validity certificates issued in favour of cousin uncle and cousin aunts pursuant to judgment/order dated 20.12.2012 of this Court passed in Writ Petition No.1602/1998 and same confirmed by the Hon’ble Supreme Court of India vide judgment/order passed in SLP (C) No.12372/2013. The respondent - Committee has placed reliance on the relation of a distant relative of the petitioner Ravindra Apparao More whose tribe claim was invalidated by the then Pune Committee, back in the year 1986 and was not within the knowledge of the petitioner.

7. The learned Counsel for the petitioner further submitted that the respondent committed an error in holding that the documents submitted by the petitioner show the caste only as “Thakur” and not “Thakur Scheduled Tribe” which is against the law laid down by this Hon’ble Court in the matter of *Ravindra Khare vs. State of Maharashtra and Ors.* reported in 2013 (3) ALL MR 644.

8. The learned Counsel for the petitioner has placed reliance on the matter of *Jaywant Dilip Pawar vs. State of Maharashtra* in *Civil Appeal No.2236/2011* in which the Hon'ble Apex Court has held that the issue of area restriction is wholly irrelevant, as the applicants only have to establish that they belong to the community mentioned at Serial No.44 of Part IX of Schedule appended to the Act No.108 of 1976.

9. Learned Assistant Government Pleader Mr. Marathe strongly supported the findings in the order of invalidation of the tribe claim passed by the Scrutiny Committee, Amravati. He argued that the Committee asked the applicants during hearing dated 08.01.2021 to submit documentary evidence to establish the blood relation with the validity holders but the applicants did not submit a single document which proves that Nandkumar Manohar More, Swati Ashok More and Nirmala Vitthalrao More (Ingle) are from the same genealogy and rooted with Jayram Nimbaji More. The genealogy tree submitted by the applicants at different times, failed to prove that the grandfather of the applicants and grandfather of the validity holders are blood relatives of each other.

10. It is specifically submitted by the learned Assistant Government Pleader that the tribe claim of the real paternal aunt of the petitioner Seema Sudhakar More was invalidated by this Court on

01.08.2018 and rejected the claim of Seema Sudhakar More and 47 others. It is further submitted that the petitioner has suppressed the said relation with Seema Sudhakar More (Paternal Aunt) and her name too has not been disclosed and hidden in the genealogy tree submitted in Form-F which has also been recorded at the time of vigilance enquiry and the same clearly shows that the petitioner has suppressed some facts from the Committee.

11. It is further submitted by learned A.G.P. that the petitioner has not come before the committee with clean hands. Upon perusal of the record of Seema Sudhakar More, it is clear that the petitioner and Seema belong to same genealogy under one roof, i.e., Jayram Nimbaji More.

12. It is the contention of the learned A.G.P. on behalf of the respondent that since the petitioner suppressed the blood relation with his real paternal aunt Seema Sudhakar More, the ratio of the validity holders which was demanded by the petitioner is not extendable as the decision of Seema Sudhakar More and others is also applicable to the petitioner and also the validity holders in equal force.

13. Heard the learned Counsel for the parties. We have considered the arguments advanced by both the parties.

14. The petitioner has filed old documents of grandfather and great-grandfather, those are prior to 1950 and having more probative value for determining the claim of belonging to the Scheduled Tribe. The documents which are filed by the petitioner are at serial Nos.1 to 9, which prove that the entry in such documents is of “Thakur” Scheduled Tribe. The respondent has not considered the said documents. The petitioner has relied on the judgment of *Anand Vs. Committee* reported in **2011(6) Mh.L.J. 919** and *Sou. Priya w/o. Pravin Parate Vs. Scheduled Tribes Caste Certificates Scrutiny Committee & Ors.* reported in **2013 (1) ALL MR 133**. As per these documents, the petitioner is entitled for the validity certificate. The documents are not considered as it does not specifically mentions “Thakur” Scheduled Tribe and only mentions “Thakur” and therefore, the claim is rejected.

15. The petitioner has submitted validity certificate along with the affidavit of validity holders as well as family tree to substantiate the relationship. However, the respondent Committee has ignored the said evidence and wrongly came to the conclusion that the blood relation between said validity holders is not established. On perusal of the order it appears that the Committee has relied on the caste claim of one Seema Sudhakar More which was invalidated in Writ Petition No.4105/2022. The said claim was invalidated on 01.08.2018. The petitioner has stated that

at the time of passing of the judgment, bunch of cases were dismissed by placing reliance upon the judgment of *Shilpa Thakur* and *Monica Thakur*. The judgment in *Shilpa Thakur* case is held to be impliedly overruled in view of the subsequent judgment of the Hon'ble Apex Court in the case of *Anand Katole* and judgment in *Monica Thakur* case was held to be per incurium in law, vide judgment dated 22.02.2019 passed in Writ Petition No.2363/2013 in the matter of *Prakash Deore Vs. Scheduled Tribe Caste Certificate Scrutiny Committee and Ors.* reported in 2019 (5) *Mh.L.J.* 228. The said judgment clarified the settled legal position and mandate of law laid down by the Hon'ble Supreme Court of India. The same view is considered by this Court in the judgment and order dated 05.03.2019 passed in Writ Petition Nos.6022/2017 and 6475/2017 and the directions were given to issue validity certificate on the basis of the oldest documents prior to the year 1950.

16. One more invalidation is relied on by the respondent - Committee in the matter of one Ravindra Apparao More, whose caste claim was invalidated on 16.10.1986. According to the Committee, this fact is suppressed by the petitioner. The petitioner has given clarification that the said Ravindra More is a distant relative of the petitioner and his claim was invalidated way back in 1986 and the same was not within the knowledge of the petitioner. The Committee has ignored the validity

certificates issued to the close relatives of the petitioner i.e. his cousin uncle and aunts. The validity was confirmed by the Hon'ble Apex Court in the case of the close relatives of the petitioner. Two more validities are considered by the respondent i.e. of Sanjay Narayan More and Santosh Atmaram More. The petitioner has denied the relationship with these two persons and the names of the said persons are not mentioned in the family tree.

17. As per the judgment of this Court in the case of ***Apoorva Nichale Vs. Divisional Caste Scrutiny Committee*** reported in ***(2010) 6 Mh.L.J. 401*** as the close blood relatives of the petitioner are having the validity certificates, which are ignored by the Scrutiny Committee while passing the order, the petitioner is entitled for the validity certificate.

18. The petitioner has relied on the following judgments/orders :

- i]* ***Nandkumar s/o. Manohar More Vs. The State of Maharashtra and Ors. [Writ Petition No.1602/1998].***
- ii]* ***Nirmala Arjun Ingle Vs. Chairman/Jt. Commissioner, Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and Ors. [Writ Petition No.3552/2018].***
- iii]* ***Sou. Sheela w/o. Sudhakar Gathe Vs. The Schedule Tribe Caste Certificate Scrutiny Committee, Amravati and Ors. [Writ Petition No.2750/2009].***
- iv]* ***Apoorva Nichale Vs. Divisional Caste Scrutiny Committee reported in (2010) 6 Mh.L.J. 401.***
- v]* ***Akash s/o. Ramesh Ingle Vs. Vice Chairman/Jt. Commissioner and One [Writ Petition No.376/2024].***

19. Considering the law laid down by this Court and by the Hon'ble Apex Court, the petitioner has proved that he belongs to "Thakur" Scheduled Tribe.

20. Hence, we pass the following order :-

- I] The Writ Petition is allowed.
- II] The order passed by the Scrutiny Committee on 18.11.2020 is hereby set aside.
- III] It is declared that the petitioner belongs to "Thakur" Scheduled Tribe. The Scrutiny Committee shall issue a validity certificate in favour of the petitioner within a period of four weeks from the receipt of copy of this judgment.

21. Rule is made absolute in the aforesaid terms. No costs.

(MRS.VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)

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