

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

WRIT PETITION NO. 776 OF 2012

Surekha Pundlik Wagh,
Age 41 years, Occ. Service,
R/o Igatpuri, Tq. Igatpuri,
Dist. Nashik.

.. **Petitioner**

Versus

1. Scheduled Tribe Certificate
Scrutiny Committee, Nandurbar
Region, Nandurbar
Through its Member Secretary
2. Zilla Parishad Nashik
Through its Chief Executive Officer
3. Panchayat Samiti,
Igatpuri, Dist. Nashik
Through its Block Education Officer

.. **Respondents**

**WITH
WRIT PETITION NO. 793 OF 2012**

Nitin s/o Shriram Thakur
Age 24 years, Occ. Service,
R/o At Post Savai Mukti,
Tal. Shinkeda, Dist. Dhule
At present Vartak Nagar,
Police Line, Bldg. No. 52 B,
Thane, Dist. Thane.

.. **Petitioner**

Versus

1. The State of Maharashtra,

Through its Principal Secretary,
Energy Department,
Mantralaya, Mumbai – 32.

2. The Committee for Scrutiny and
Verification of Tribe Claims,
Through its Dy. Director (Research)
Nandurbar.
3. The Executive Engineer,
Maharashtra State Distribution
Co. Ltd., Wagle Estate, Thane,
Dist. Thane – 400 604.

.. **Respondents**

**WITH
WRIT PETITION NO. 1515 OF 2012**

Smt. Kiran d/o Bhikan Thakur,
Age 21 years, Occ. Nil,
R/o Plot No. 38, D.D.C.C. Bank Colony,
Wadi Bhokar Road, Deopur,
Dhule, District Dhule.

.. **Petitioner**

Versus

1. The State of Maharashtra,
Department of Tribal Development,
Through its Secretary,
Mantralaya, Mumbai – 32.
2. The Committee for Scrutiny and
Verification of Tribe Claims,
Nandurbar Division, Nandurbar
Through its Member Secretary.

.. **Respondents**

**WITH
WRIT PETITION NO. 3020 OF 2012**

Dipak s/o Pratapsing Bagul,
Age 27 years, Occ. Service,
R/o Survey no. 106, Plot No.5,

Near Gokranmoraya Society,
Walwadi Shivar, Deopur,
District Dhule.

.. **Petitioner**

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Energy Department,
Mantralaya, Mumbai – 32.
2. The Committee for Scrutiny and
Verification of Tribe Claims,
Through its Dy. Director (Research)
Nandurbar.
3. The Chief General Manager (Tech)
Maharashtra State Power Generation
Co. Ltd., Estrella Batteries, Expn. Budg,
Dharavi Road, Matunga,
Mumbai 400 019.
4. The Chief Engineer,
Maharashtra State Power Generation,
Co. Ltd., Bhusawal TPS
5. The Establishment Officer,
Maharashtra State Electricity Distribution
Co. Ltd., Bhusawal Thermal Electricity
Center, Deepnagar, Tq. Bhusawal,
Dist. Jalgaon.

... **Respondents**

**WITH
WRIT PETITION NO. 7741 OF 2012**

Punamchand s/o Barkha Bagul,
Age 43 years, Occ. Service,
R/o Patth Appt., Room No. 002,
Fawning T.V. Centre Near Kirti Police
Colony, Badlapur (E), Dist. Thane,

R/o C/o Gulabsing Barka Bagul,
10, Devchand Nagar, Near Ram Nagar,
Golibar Tekdi Road, Dhule,
Dist. Dhule.

... **Petitioner**

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. The Committee for Scrutiny and
Verification of Tribe Claims,
Through its Dy. Director (Research)
Nandurbar.
3. The Chief Administrative Officer
Directorate Medical Education & Research,
Govt. Dental College & Hospital Building,
St. George's Hospital Compound,
Near V.T., Mumbai – 400 001.

... **Respondents**

S/Shri M.S. Deshmukh and A.H. Horalkar, Advocate for the Petitioners in respective petitions.

Mr. A.R. Kale, AGP for Respondents/State.

Mr. V.R. Sonwalkar Advocate for Respondent No.3 & 4 in WP/776/12.

Mr. V.C. Patil, Advocate h/f. S.M. Godsay for Respondent Nos. 3 to 5 in WP/3020/12.

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**

DATE : 31.07.2017

ORAL JUDGMENT :-

. Rule. Rule made returnable forthwith and heard finally with

consent of learned advocates for the parties.

2. Heard both sides. Perused the petition and the annexures thereto.

3. The petitioners' claim of belonging to Thakur Scheduled Tribe has been negated by the Scrutiny Committee. The order passed on 10.10.2011 / 13.01.2012, is, therefore, challenged in this petition.

4. One of the grounds on which the order is challenged is that no distinction can be made on the basis of area or residence. The area restriction is removed by the Parliamentary Act No. 108 of 1976. Secondly, the Scrutiny Committee has failed to consider that the petitioners' nephews (sons of the cousin brothers from paternal side) have been granted certificates of validity. Thirdly, the Scrutiny Committee failed to appreciate that in pre-constitutional documents, it is evident that there would not be a specification, in the sense, it would be written as Thakur or Hindu Thakur but not as Thakur Scheduled Tribe.

5. It is conceded that all these grounds have been accepted when this Court decided a batch of petitions, namely, writ petition no. 4575/2012 decided on 24.07.2017.

6. For the reasons set out in that judgment and order, even these writ petitions succeed. Rule is made absolute in terms of prayer clause 'A'. The committees' shall now issue certificates of validity to the petitioners within a period of two weeks from the date of receipt of a copy of this order.

[MANGESH S. PATIL, J.]

[S.C. DHARMADHIKARI, J.]

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