

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3453 OF 2013

Yuvraj S/o. Bhausahab Rajwade ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

.....

Mr. A.S. Golegaonkar for the Petitioner.

Mr. C.P. Yadav, AGP for the Respondent Nos.1 to 3.

CORAM : B.R. GAVAI &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 4th OCTOBER, 2017.

P.C.:-

Rule. Rule is made returnable forthwith. Respondents waive service. Heard by consent of parties.

2. The Petitioner approached this Court being aggrieved by the order of the Respondent- Scrutiny Committee rejecting the claim of the Petitioner.

3. The Petitioner claims to be Thakur Scheduled Tribe. Claim of the Petitioner was rejected on the ground that though the pre-Constitutional document shows the Petitioner's ancestral caste to be Thakur, however it does not mean Schedule Tribe. Another ground is that the Petitioner has failed to Affinity Test

4. In so far as the first ground is concerned, there could be no reason as to why the pre-Constitution document should mention a Scheduled Tribe. In that way the objection of the old and inadequate ground in our view is not sustainable. We notice that the Petitioner has placed on record document pertaining to his grand father viz. Namdeo Laxmanrao Thakur, which is an extract of administration register taken on 1.8.1936 showing his caste as Thakur. It may be noted that the Vigilance Cell has found it to be genuine.

5. It is further to be noted that the Petitioner is grandson of one Namdeo Thakur. Namdeo Thakur had seven sons. One of them was Dharmaraj. The claim of Dharmaraj as well as his son has been held to be valid by the Scrutiny Committee. The claim of the another grandson of Namdev Thakur i.e. Nilesh Rajwade (Thakur) had also found to be valid by the Scrutiny Committee. It can be thus, seen that father and brother of the Petitioner and two of his first cousins have been held to be belonging to Thakur Scheduled Tribe. Rule is therefore, made absolute in following terms :

6. It is held and declared that the Petitioner is belonging to Thakur Scheduled Caste. The Respondent-Scrutiny Committee to issue

validity certificate in favour of the Petitioner within a period of four weeks from today.

7. In view of disposal of the Petition, the Civil Application No.1659 of 2014 stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(B.R. GAVAI, J.)