

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 6337 OF 2015**

Kum. Sujata Prakash Lade

....Petitioner.

Vs.

State of Maharashtra & Ors.

....Respondents.

Mr. R.K. Mendadkar for the Petitioner.

Mr. C.P. Yadav, AGP for Respondent Nos. 1 and 2.

**CORAM : ANOOP V. MOHTA AND
SMT. BHARATI H. DANGRE, JJ.
DATE : 4 SEPTEMBER 2017.**

FINAL ORDER:-

Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

2 The Petitioner has filed the present Writ Petition and thereby challenged to the order passed by Respondent No.2-Scheduled Tribe Certificate Scrutiny Committee, Nashik (for short, "*Scrutiny Committee*") dated 6 June 2015, whereby the Caste claim being belong to "*Thakur*" Scheduled Tribe, has been rejected. This is also one of the case where the Petitioner's father, grand-fathers, real uncle, cousin sisters and brother and cousin aunt have already got/received

caste validity certificate for the same Caste. Yet, the Petitioner's claim has been rejected.

3 This Court by Oral Judgment dated 22 February 2017 passed in Prakash Vasudev Lade Vs. State of Maharashtra & Ors. (WP. No. 5602 of 2015), directed the concerned Respondents/Caste Scrutiny Committee to issue Caste Validity Certificate. The Petitioner's real brothers have already got the validity certificate long back. However, Respondent No.2-the Scrutiny Committee, rejected the claim of the Petitioner, which in our view, unsustainable. This Court, today i.e. on 4 September 2017 in Writ Petition No. 6631 of 2014 and other connected matter (Tejaswini D/o Chandrakant Thakur Vs. Scheduled Tribe Certificate Scrutiny Committee, Nashik & Ors.), has dealt with this issue of Caste Validity Certificate and directed the Respondent-Scrutiny Committee, to issue Caste Validity Certificate.

4 The submission is made that the Petitioner's claim in view of the above, ought not to have been rejected. The issue of area restriction of Scheduled Tribe in the State of Maharashtra for the Thakur Community has been confirmed by the Hon'ble the Supreme

Court by Judgment and order passed in Civil Appeal No. 2336 of 2011, dated 8 March 2017 (*Jaywant Dilip Pawar Vs. State of Maharashtra & Ors.*). The relevant portion of the said order reads as under:-

“The short point raised by learned counsel for the appellants in these appeals is that after 'The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976' (Act No. 108 of 1976) was published in the Gazette on 20.09.1976, the area restriction of Scheduled Tribes in the State of Maharashtra for the Thakur community has been deleted and all members of Thakur, Thakar, Ka Thakur, Ka Thakar, Ma Thakur and Ma Thakar community are treated to be Scheduled Tribes. The Scrutiny Committee has negated the claim of the appellants on the ground that the relatives of the appellants were not residents of the areas mentioned in the Presidential Order, 1956 and further they were not able to give any details of customs and traditions being observed by the said community.

In our considered opinion, that is wholly irrelevant. The appellants have only to establish that they belong to the community mentioned at Serial No.44 of Part IX of Second Schedule of Act No. 108 of 1976.”

5 Therefore, taking overall view of the matter and as the Petitioner's case is covered by above Judgments and the fact that the Petitioner's father, grand-fathers, real uncle, cousin sisters and brother and cousin aunt have already been granted the Caste Validity Certificates by the concerned Scrutiny Committee, there is no reason

not to grant the Caste Scrutiny Certificates to the Petitioner, in view of above admitted position on record.

6 Therefore, we pass the following order.

ORDER

- a) Impugned order dated 6 June 2015, passed by Respondent No.2-Scheduled Tribe Certificate Scrutiny Committee, Nashik is quashed and set aside.
- b) Respondent No.2 is directed to issue Caste Validity Certificate to the Petitioner, as early as possible, and preferably within eight weeks from today.
- c) Rule is made absolute accordingly. There shall be no order as to costs.

(BHARATI H. DANGRE, J.)

(ANOOP V. MOHTA, J.)