

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 6631 OF 2014****WITH****CIVIL APPLICATION NO. 1859 OF 2016****IN****WRIT PETITION NO. 6631 OF 2014****WITH****CIVIL APPLICATION NO. 1860 OF 2016****IN****WRIT PETITION NO. 6631 OF 2014****WITH****CIVIL APPLICATION NO. 2922 OF 2016****IN****WRIT PETITION NO. 6631 OF 2014**

Tejaswini D/o. Chandrakant Thakur

....Petitioner/
Applicant.

Vs.

Scheduled Tribe Certificate

Scrutiny Committee, Nashik & Ors.

....Respondents.

WITH**WRIT PETITION NO. 6630 OF 2014**

Roshani D/o. Chandrakant Thakur

....Petitioner.

Vs.

Scheduled Tribe Certificate

Scrutiny Committee, Nashik & Ors.

....Respondents.

Mr. R.K. Mendadkar a/w Tanaji Jadhav for the Petitioner/Applicant.

Mr. Sandeep L. Babar, AGP for the Respondent-State.

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

FINAL ORDER:-

Called out for final disposal, by consent of the parties.

2 We are disposing of both these Writ Petitions filed by two real sisters and thereby challenge is raised to the respective orders passed by Respondent No.1-Scheduled Tribe Certificate Scrutiny Committee, Nashik (for short, "*Scrutiny Committee*") dated 9 June 2014, and as their Caste claims being belong to "*Thakur*" Scheduled Tribe, have been rejected. These are also one of the case, where the Petitioners' mother and real uncles, first cousin sisters and brothers have already got/received caste validity certificate for the same Caste by the same Scrutiny Committee. Yet, the Petitioners' claims have been rejected.

3 There is a Judgment/Order, dated 11 September 1998, of this Court passed in Writ Petition No. 4813 of 1998, which is filed by one of real brother of grand-father of the Petitioners' whereby, this

Court directed the concerned to grant the Caste Validity Certificate. This Court, considering the various other judgments, including the Judgment in favour of the first cousin of the Petitioners' father Mohit s/o Suresh Deore, in Writ Petition No. 3190 of 2010, after considering the similar situation, by Judgment dated 11 April 2017, referring to the various earlier judgments of this Court, directed the concerned Respondent-Scrutiny Committee to issue validity certificate in favour of the Petitioners, by setting aside Judgment/order passed by Respondent No.2-Scrutiny Committee.

4 The submission is made that the Petitioners' 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.*) by recording 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 Petitioners' cases are also covered by above Judgment, and the fact that the Petitioners' mother and other real uncles and first cousins 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 Petitioners also, in view of above admitted position on record.

6 Therefore, we pass the following order.

ORDER

- a) The respective impugned orders dated 9 June 2014, passed by Respondent No.1-Scheduled Tribe

Certificate Scrutiny Committee, Nashik are quashed and set aside.

- b) Respondent No.1 is directed to issue Caste Validity Certificates in favour of the respective Petitioners, 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.
- d) In view of the disposal of Writ Petition No. 6631 of 2014, nothing survives in the Civil Applications filed in the said Writ Petition and the same are also disposed of.

(BHARATI H. DANGRE, J.)

(ANOOP V. MOHTA, J.)