

WRIT PETITION NO. 8654 OF 2018

Versus

.. Respondents

Shri M. D. Narwadkar, Advocate for Respondent
No. 2.

DATE: 7th August, 2018

1. The caste claim of the petitioner as Thakur, Scheduled Tribe is invalidated. The learned counsel for the petitioner submits that the entire school record of the petitioner records caste as Thakur, so also, the school record of the father, the real uncle of the petitioner records caste as Thakur. The learned counsel further submits that the father of the petitioner has been issued validity certificate of Thakur, Scheduled Tribe on 31.12.2004. The real uncle of the petitioner is also issued with the validity certificate of

Thakur, Scheduled Tribe on 07.10.2005. Relying on some entries in the school record of other persons who are not related to the petitioner the claim is invalidated.

2. Mr. Patil, learned Additional Government Pleader submits that show cause notices are issued to the father and real uncle of the petitioner and one cousin brother as to why validation proceedings should not be reopened and the validities given should not be canceled. The learned counsel submits that the petitioner suppressed the record of their other relatives wherein contra entries are available. The petitioner also could not properly succeed in the affinity test.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The school record of the petitioner, his father and uncle records caste as Thakur. It is further submitted that even the cousin brother of the grant father records caste as Thakur. Father of the petitioner and the real uncle of the petitioner have been issued with the validity certificate of Thakur, Scheduled Tribe. It also appears that one cousin brother of the petitioner has been issued with the validity certificate of

Thakur, Scheduled Tribe.

5. In similar set of facts when the paternal relative is given validity certificate and committee was contemplating re-opening of the proceedings granting validity to them the Division Bench of this Court at the Principal Seat at Bombay in Writ Petition No. 7500 of 2018 and many other writ petitions directed issuance of validity to the petitioners subject to the decision in the proceedings re-opened by the Committee of the validity holder relied by the petitioner.

6. Considering all these aspects and also considering that the respondents are contemplating reopening of validation proceedings in respect of father of the petitioner and other validity holders on which the petitioner has placed reliance, so also considering the judgment and order dated July 23, 2018 passed by the Division Bench of this Court at Principal Seat at Bombay in Writ Petition No. 7500 of 2018, it would be appropriate to direct the respondent / Committee to issue validity certificate to the petitioner of belonging to Thakur, Scheduled Tribe subject to outcome of the proceedings that may be undertaken by the Committee in respect of the father, real uncle and cousin brother of the petitioner.

7. The respondent no. 3 - committee shall issue the validity certificate to the petitioner of Thakur, Scheduled Tribe immediately, considering that the petitioner is required to submit the same on or before 10th August, 2018.

8. Writ Petition is disposed of. No costs.

[SUNIL K. KOTWAL, J.] [S. V. GANGAPURWALA, J.]

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