

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6808 OF 2018

Kunal Hemant Thakur
Aged 18 Years, resident of
A/1403, 1404, Lokmanya CHS Ltd.,
Vir Savarkar Road, Near Gajanan
Maharaj Temple Chowk, Panchpakhdi,
Thane (W): 400 602

.... Petitioner

Versus

1. State of Maharashtra
through its Secretary, Tribal
Development Department,
Mantralaya, Mumbai-400 032.
2. Scheduled Tribe Certificate
Scrutiny Committee, Konkan
Division, Thane through its
Member Secretary, having its
Office at Vartak Nagar Ward
Committee office, Vedant
Complex, opposite Kores Co.,
Vartak Nagar, Wagale Estate,
Thane (W), Dist. Thane.
3. Directorate of Technical Education,
Maharashtra State
3, Mahapalika Marg
Dhobi Talao, Mumbai-400 001.
4. Sub-Divisional Officer, Thane
District Thane

.... Respondents

Mr. R.K. Mendadkar with Mr. C.K. Bhangoji,
Mr. Tanaji Jadhav & Ms Priyanka Shaw for the
Petitioner.

Mr. S.B. Kalel, Asstt. Government Pleader, for the
Respondents.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : JUNE 26, 2018

ORAL JUDGMENT (Per Shri S.C. DHARMADHIKARI, J.):

Not on board. Taken up on production board on
request.

2. In the light of the urgency made out and presently of
the ongoing process of admissions, the writ petition is taken up
for admission.

3. Having perused the order under challenge and
finding that though the petitioner heavily relied upon the
Certificates of Validity issued to the blood relatives, particularly
to the father, real sister and two uncles by the same Scrutiny
Committee, the present order ignores the same on the specious
ground that when the vigilance inquiry was held the

documentary evidence submitted to the Cell by the petitioner indicates that in the birth record of the cousin great-grandfather of the petitioner, the caste is stated as “Bhat” and that is a document of 20-3-1916 and the date of admission in the school is mentioned as 24-5-1922. In comparison to this, the Committee records that it feels that there could be other Pre-Constitutional documents depicting the caste as “Thakur” but this is one of the oldest document and in such circumstances the Certificates of Validity granted loose their evidentiary value. The reasoning of the Committee, to say the least, is atrocious. To our mind, this reasoning has not been approved, much less upheld in any of the Judgments delivered by this Court. Hence, rule. The respondents waive service. Rule is made returnable forthwith.

4. We are of the clear opinion that in view of the authoritative pronouncement of this Court on 16-4-2014 in the case of **Vidya Hemant Thakur Vs. State of Maharashtra & Others** {*Civil Writ Petition No.10910 of 2011*} Exhibit-D, page 67, and in the light of the other Judgments, particularly of a

Division Bench of this Court in Civil Writ Petition No.1553 of 2017 {**Jayram Vishram Gangawane Vs. State of Maharashtra & Others**}, decided on 10-2-2017, and a Division Bench of this Court, to be precise this very Bench, dated 22-12-2017 in Civil Writ Petition No.7 of 2014 {**Motilal S/o Namdeo Pawar Vs. Scheduled Tribe Certificate Scrutiny Committee, Nashik & Others**}, this writ petition is allowed. Rule is made absolute in terms of prayer clauses (a) and (b). Let the Certificate of Validity be issued by the Scrutiny Committee latest by tomorrow (27-6-2018).

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)