

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1836 OF 2019

HARSHAD NAMDEO THAKUR AND ANOTHER THROUGH FATHER
NAMDEO DAGADU THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Sushant C. Yeramwar, Advocate for the petitioner
Mrs.M.A.Deshpande, AGP for the respondent/State

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 08.02.2019

P.C. :-

. Heard learned counsel for the petitioner.

2. The petitioners are the minor students prosecuting their studies and are before this Court by way of present petition through their natural guardian father Namdeo Thakur. As the petitioners' claim is that the petitioners belong to Hindu Thakur scheduled tribe and having the documents in the form of school record and certain revenue record in favour of the relatives of the petitioners and also the service book entries of the nearest relative of the petitioners, have approached the Sub-Divisional Officer, Dhule for issuance of caste certificate in

prescribed format. By order running in nearly ten pages the Sub-Divisional Officer and the competent authority rejected the application on the ground that the petitioners failed to produce any documentary evidence prior to 1950 and all these material documents submitted before the authority are latest documents. The competent authority and the Sub-Divisional Officer even recorded that the petitioner approached the authority with an intention to grab the benefits in the academic career and or seeking employment.

3. Being aggrieved by the order the petitioners preferred the appeal before the Scrutiny Committee and the Scrutiny Committee also in an order running in nearly more than ten pages rejected the appeal reiterating the grounds of competent authority and referring to certain circulars issued by the State Government. The Scrutiny committee observed in the order that the residence of Thakur, Scheduled Tribe is not traced in Jalgaon, Dhule and Nandurbar even Revenue Department published above mentioned Act with the habitation area of various tribes in the year 1968 and then proceeded further to observe that though in school record the caste of

the appellant & his blood relatives shown to be Thakur it does not mean that they belong to Thakur Scheduled Tribe because documents does not speaks one's social status as tribe where different Thakur people group existed in Maharashtra. The tenor of the order of the Committee as is if the Committee is deciding the claim of these petitioners for validation. Learned counsel submitted that this Court took a consistent view that the Committee in deciding the appeal shall not raise technical objections for dismissal of the appeal and at the time of issuance of tribe or caste certificate the authority has to be prima facie satisfied and this Court observed that even otherwise the said certificate has to face test of scrutiny at the time of verification by the Committee.

4. Learned counsel for the petitioner invited our attention to the order dated 23.01.2019 in the bunch of petitions placed on record Exh.O.

5. We find considerable merit in the submission of the learned counsel Committee ought to have been mindful of the fact that at the stage of deciding the appeal it is expedited of the Committee

to consider the material prima facie for issuance of certificate and such certificate is always has to stand for scrutiny and go through the test of scrutiny in validation proceeding. Learned counsel thus, made out a case, the petition is accordingly allowed in terms of prayer clause-B.

6. The Scrutiny Committee is further directed to issue certificate to the petitioners in prescribed format, as expeditiously as possible.

7. Respondent No.3 Sub-Divisional Officer is directed to issue tribe certificate to the petitioners that the petitioners are belonging to Thakur Scheduled Tribe as early as possible and not later than 8 weeks from the date of order of this Court.

8. We state further that the certificate so issued by the Sub-Divisional Officer to be certainly be subjected for validation by the Scrutiny Committee.

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9. With these above directions, the writ petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]