

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

87 WRIT PETITION NO.3837 OF 2018

**KRUSHNA GUNAJI CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. Murkute J.M.
AGP for Respondent Nos. 1 to 3: Mr. S.B. Pulkundwar

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**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 29/07/2019

PER COURT :

1. The application filed by the petitioner for issuance of tribe certificate of 'Thakur' schedule tribe is rejected. Appeal filed against the same is dismissed. Aggrieved thereby the present petition.

2. Learned counsel for the petitioner submits that the school record of real paternal aunt of the petitioner records cast as Thakur. The said record is of the year 1972. The school record of the petitioner, his sister record cast as Thakur. The learned counsel submits that the paternal cousins from the branch of petitioner's grandfather's real brother have been issued with the validity certificate of 'Thakur' scheduled tribe. According to the learned counsel there are

no contra entries on record. The learned AGP submits that the record produced by the petitioner does not mention cast as Thakur scheduled tribe. Their record is of recent period. The petitioner does not belong to the area where normally the Thakur scheduled tribe persons is used to reside.

3. At the time of issuance of tribe certificate, the authority has to be *prima facie* satisfied long drawn inquiry is not contemplated. Even otherwise, the tribe certificate has to undergo the acid test during validation proceeding.

4. It appears that the school record of the petitioner, his real sister so also real paternal aunt record cast as Thakur. The school record of petitioner's paternal aunt is of the year 1972. The other paternal branch of the petitioner as per the genealogy supplied by the petitioner demonstrates that two of the paternal cousins namely Keshav Chavan and Kalpana Chavan are issued with the validity certificate of Thakur scheduled tribe. Considering the same, we pass the following order :-

ORDER

The impugned orders are quashed and set aside. The respondents No. 3 shall issue tribe certificate to the

petitioner of 'Thakur' scheduled tribe which certificate shall have to undergo scrutiny, by the Scrutiny Committee at the time of issuance of validity certificate.

5. Writ petition is disposed of. No costs.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)

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