

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
926 WRIT PETITION NO.8245 OF 2019**

AKSHAY RAJU SOLUNKE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Sushant C. Yeramwar, Advocate for the
Petitioner.

Mr. P. S. Patil, AGP for Respondent-State.

Mr. S. G. Karlekar, Advocate for Respondent No.3.

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

DATED : 16th JULY, 2019.

PER COURT:-

1. The tribe claim of the petitioner as
'Thakur', Scheduled Tribe is invalidated.

2. Mr. Yeramwar, learned counsel for the
petitioner submits that the father of the
petitioner is issued with the validity certificate
of Thakur, Scheduled Tribe in the year 2004. The
school record of the petitioner, his father and his
uncle record caste as 'Thakur'. The learned
counsel submits that the committee has relied upon
the school entry of one Pandurang Sandu of
'Maratha' caste. The grandfather of the petitioner
is Pandurang Sandu Solunke. The surname is not
mentioned. The petitioner has clarified before the
committee that Pandurang Sandu as is referred to is
not his grandfather. His grandfather had never

been to the school. The same is not accepted.

3. Mr. Patil, learned A.G.P. submits that Pandurang Sandu is grandfather of the petitioner and his caste is recorded as 'Maratha'. This record was suppressed while validity was obtained by the father of the petitioner. The petitioner has accepted the relationship of Ashok Pandharinath Solunke and Sanju Yashwanta Solunke. Their school record records caste as Maratha (Thakur) and Hindu Thakur (Bhatake) respectively. The said record is also of the year 1966 and 1981. The petitioner has failed in the affinity also. The petitioner does not belong to the places where the original Thakur used to reside. The show cause notice is also issued to the father of the petitioner as to why the validity should not be canceled.

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

5. It is not disputed that the father of the petitioner is issued with the validity certificate of 'Thakur', Scheduled Tribe. The school record of the petitioner, his father and his uncle record caste as 'Thakur'. The petitioner has come forward with the case that his grandfather Pandurang Sandu Solunke had never attended the school. One general register of the school is produced in the name of Pandurang Sandu wherein the caste is recorded as 'Maratha'. With precision the relationship

cannot be established in the present case in absence of the surname, considering the fact that validity has been issued to the father of the petitioner, we pass the following order:

ORDER

1. The impugned order is quashed and set aside.
2. The respondent-committee shall issue validity certificate to the petitioner of 'Thakur', Scheduled Tribe immediately. The said validity certificate shall be subject to the decision that would be taken by the committee in the proceedings of his father that are sought to be reopened by the committee. Naturally, if the validity of the father of the petitioner is canceled and so also same steps are taken in case of the petitioner, then, the petitioner would not be entitled to protect his admission, if sought from Scheduled Tribe Category nor would be entitled to claim equity.
6. Writ Petition accordingly disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE