

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

**122 WRIT PETITION NO.8251 OF 2019**

PRAKASH ISHWAR THAKUR  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Yeramwar Sushant C.

AGP for Respondents/State : Mr. S.B. Yawalkar

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

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

**DATE : 15.07.2019**

**PC. :-**

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

2. Mr. Yeramwar the learned advocate for the petitioner submits that the father of the petitioner namely Ishwar Deoram is issued with the validity certificate of Thakur Scheduled Tribe in the year 2005. The real paternal uncle of the petitioner namely Dilip Deoram is issued with the validity certificate of Thakur Scheduled Tribe. The school record of the petitioner, his father, uncle, grandfather and the great grandfather records caste as Thakur. The great grandfather sister Kesharbai died on 17.10.1939. In the death record of village Anturli her caste is recorded as Thakur. In the school record of petitioner's grandfather sister namely Gangubai wherein she was admitted on

06.06.1967 her caste is recorded as Thakur. In the birth record of Dhurpati Govinda cousin grandfathers sister the date of birth is recorded as 07.10.1939 and the caste is recorded as Thakur. All the entries in the record of the petitioner, his father, grandfather, real uncle records caste as Thakur. The genealogy has been rightly submitted before the vigilance. The genealogy was given from Jangalu and earlier it was given from Ananda s/o Jangalu. The committee has taken a doubt over it.

3. According to the learned advocate, the petitioner has not taken benefit of the entries in the record of Vanji. According to the learned advocate, there is no contra evidence on record. The reliance is placed by the committee on the records of the uncle Dilip's wife's relative as the same cannot be relevant. As far as affinity is concerned at the time of the father's validation proceeding vigilance was conducted and the vigilance has reported that the traits and all other aspects narrated by the petitioner's father are in tune with the traits of the Thakur Scheduled Tribe. However, while considering the case of the petitioner the vigilance and the committee has recorded that the said answers do not match the traits of the Thakur Scheduled Tribe. According to the learned advocate, even otherwise in view of the consistent documentary evidence on record, the affinity would not have much importance. The learned advocate relies on the judgment in case of **Anand V/s. Committee for Scrutiny and Verification of Tribe Claims**

**and Ors. reported in (2012) 1 Supreme Court Cases 113.**

4. The learned A.G.P submits that the petitioner's father has changed the genealogy before the vigilance, so as to take benefit of branch of Vanji, the same person Jangalu cannot have three different names. According to the learned A.G.P. the petitioner has miserably failed to prove the affinity test, so also not been in a position to prove that he belongs to the place where normally Thakur Scheduled Tribe reside.

5. We have considered the submissions. It is not disputed that father of the petitioner Ishwar Deoram is issued with the validity certificate after the vigilance was conducted. In the vigilance report conducted at the time of issuing validity to the father of the petitioner it has been reported that the traits, customs narrated by the father of the petitioner is in tune with the one professed by Thakur Scheduled Tribe. Moreover, even if we ignore the branch of Ramchandra and restrict to the branch of Ananda all the entries since 1939 records caste as Thakur. We do not find any single contra evidence recorded therein. Moreover, after conducting the vigilance the father and the real uncle of the petitioner are issued with validity certificates of Thakur Scheduled Tribe. If in case their cases are reopened then the respondents may consider to reopen the case of the petitioner also.

6. In light of the above the impugned judgment is quashed and set

aside. The respondents shall issue validity certificate to the petitioner of Thakur Scheduled Tribe immediately. Writ petition is disposed of. No costs.

**[MANGESH S. PATIL, J.]**

**[S.V. GANGAPURWALA, J.]**