

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

**1024 WRIT PETITION NO.8826 OF 2019**

SANSKAR VIJAY THAKUR THROUGH FATHER  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. S.C.Yeramwar, Advocate for Petitioner.  
Mr. P.S.Patil, AGP for Respondents-State.  
Mr. S.G.Karlekar, Advocate for Respondent No.3.

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

**DATE : 19.07.2019**

**PER COURT :-**

1. Mr. Yeramwar, the learned counsel submits that the two real aunt of the petitioner namely Ranjana Rambhau Thakur and Pushpa Rambhau Thakur are issued with the validity certificates of 'Thakur' Scheduled Tribe. The other four paternal cousins of the petitioner namely Dipak Jayraj, Bhalchandra, Pramod and Manohar are issued with the validity certificates of 'Thakur' Scheduled Tribe. Except the entry of cousin cousin grandfather of the petitioner namely Shama Gaba Thakur, all the entries since 1921 record the caste as 'Thakur'. There are no contra entries on record. The Committee is relying upon the petitioner's mother's

cousin cousin grandfather's record, the record of maternal side would not be relevant.

2. Mr. Patil, the learned AGP submits that the school record of Shama Gaba Thakur records caste as 'Bramhbhat' meaning thereby that the petitioner belonged to the family of 'Bhat' may be 'Thakur Bhat'. In view of that the affinity test would become relevant and the petitioner could not prove the traits of 'Thakur' Scheduled Tribe. If the petitioner would have been of 'Thakur' Scheduled Tribe, then his blood relatives would not have been found to be 'Bhat' and 'Bramhbhat'. The earlier validities are obtained by suppressing the record of the cousin cousin grandfather showing caste as 'Bramhbhat'.

3. We have considered the submissions. It is not disputed that the two real paternal aunt of the petitioner namely Ranjana and Pushpa are issued with the validity certificates of 'Thakur' Scheduled Tribe, so also the other three paternal cousins. Except the entry of 'Bramhbhat' appearing in the school record of Shama Gaba Thakur, all other entries in the school record of the grandfather, the cousin grandfather, the paternal aunt of the year 1921, 1927, 1938, 1936, 1958 appeared as 'Thakur'. The entry of

'Bramhbhat' is of the year 1934. The other entries relied by the Committee does not appear to be from the paternal side but from the maternal side.

4. It is also stated that the notices are issued to the persons to whom the validities are issued and relied by the petitioner.

5. In light of the above, we pass the following order :

**ORDER**

(i) The impugned order is quashed and set aside.

(ii) The Committee shall issue validity certificate of 'Thakur' Scheduled Tribe to the petitioner immediately.

(iii) The said validity certificate shall be subject to the decision that would be taken by the Committee in cases of the validity holders whose proceedings are reopened and relied by the petitioner.

6. The Writ Petition is disposed of. No costs.

**(MANGESH S. PATIL, J.)**

**(S.V. GANGAPURWALA, J.)**

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vmk/-