

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

WRIT PETITION NO. 8829 OF 2019

Kum. Meghana D/o Nagnath Thakur

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. M. A. Golegaonkar, Advocate for Petitioner.

Mr. P. S. Patil, Addl. G. P. for Respondents-State.

Mr. S. B. Deshpande, ASG for Respondent No. 4.

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

DATED : 02nd AUGUST, 2019.

PER COURT:-

1. The tribe claim of the petitioner as belonging to Thakur (Scheduled Tribe) is invalidated.

2. Mr. Golegaonkar, learned Counsel for the petitioner submits that, the father of the petitioner is issued with the validity certificate of Thakur (Scheduled Tribe). One real paternal cousin namely Anand Thakur is also issued with the validity certificate of Thakur (Scheduled Tribe). The mother of the petitioner is also issued with the validity certificate of Thakur (Scheduled Tribe). The cousin uncle of the petitioner is also issued with the validity certificate of Thakur (Scheduled Tribe). The learned Counsel further submits that the school record of the petitioner, her father, grandfather records tribe as Thakur. The school record of the grandfather is of the year

1953 and cousin uncle Nagu Shrirang is of the year 1941. The school record of the cousin uncle of the petitioner is of the year 1349 Fasli. The learned Counsel submits that the respondent / committee is relying on the statement of the villagers and ignoring the statement given by the petitioner. According to the learned Counsel, the committee on erroneous grounds has invalidated the tribe claim of the petitioner.

3. Mr. Patil, the learned Addl. G. P submits that in the home enquiry it is brought on record the avocation of the grandfather of the petitioner is Bhikshuki. The said avocation is of Bhat persons. The learned Addl. G. P further submits that the validity of the father of the petitioner has not been granted on merits. It is granted in fraudulent manner. The learned Addl. G. P submits that considering the fact that the petitioner has failed in affinity test and home enquiry does not support the case of the petitioner, the validity cannot be issued to the petitioner. The show cause notice is already issued to the validity holders relied by the petitioner.

4. We have considered the submissions. It is not disputed that the school entries right from the year 1939 (1349 Fasli) in respect of the petitioner, her father, grandfather and paternal cousin records tribe as Thakur.

5. The father of the petitioner has been issued with the validity certificate. The real paternal cousin is also issued with the validity certificate of Thakur (Scheduled Tribe).

6. It is submitted by the learned Counsel for the petitioner that, at the time validity was issued to the father of the petitioner vigilance was conducted. Considering the fact that the show cause notices are issued to the validity holders, we pass following order.

7. The impugned order of the committee is quashed and set aside. The 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 cases of the validity holders that are reopened and relied by the petitioner.

8. In case, the validity certificates of the validity holders relied by the petitioner are cancelled, the petitioner would not be entitled to claim any equity.

9. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.