

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

153 WRIT PETITION NO.8830 OF 2019

SANIKET SAMBHAJI WAGH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr Yeramwar Sushant C.
AGP for Respondents State: Mr A B Chate
Advocate for Respondent No.3 : Mr S G Karlekar

**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATE : 24th September, 2019

ORDER:

1. Learned counsel for the petitioner submits that caste claim of the petitioner as Thakur- Scheduled Tribe has been invalidated. Learned counsel submits that father of the petitioner has been issued validity of Thakur Schedule Tribe. Learned counsel submits that children of real uncles of the petitioner have been issued with the validity certificates namely Dipak Rajaram Wagh and Vijay Rajaram Wagh and Smita Shantaram Wagh. At the time of issuance of validity certificates to those persons, vigilance has been conducted. The respondents are relying on one school entry referring that person as great grandfather of the petitioner. However, he is not great grandfather of the petitioner. Grandfather of the petitioner was admitted to the school on 03.04.1933 and

the great grandfather would not have admitted in the year 1928.

2. Learned AGP submits that considering the oldest entry to be of 'Bhat', the same will have more probative value. The petitioner also failed in affinity test. Show cause notice is issued to the father of the petitioner as to why validity issued to him may not be cancelled.

3. It is a matter of record that father of the petitioner has been issued validity certificate of Thakur Scheduled Tribe. Two sons of the real uncle of the petitioner namely Dipak Rajaram Wagh and Vijay Rajaram Wagh and one daughter of real uncle of the petitioner namely Smita Shantaram Wagh have been issued validity certificates of Thakur Scheduled Tribe. Reliance can be had to the judgment in case of **Apoorva Nichale Vs. Divisional Caste Certificate Scrutiny Committee reported at 2010(6) Mh.L.J. 401**. The entire since 1933 depict the caste recorded as Thakur in the school record of grandfather, real uncle, aunt and father of the petitioner.

4. Considering the above, we pass following order.

O R D E R

The respondent Committee shall issue validity certificate to the petitioner of Thakur- Scheduled Tribe immediately. The same shall be subject to the decision that would be taken by the Committee in the cases reopened of the validity holders relied upon by the petitioner.

5. Writ petition is accordingly disposed of. No costs.

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)

JPC