

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

1021 WRIT PETITION NO.9266 OF 2019

KALYANI MANOHAR THAKUR THROUGH FATHER
MANOHAR BABURAO THAKUR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Yeramwar Sushant C.

AGP for Respondents/State : Mr. A.R. Kale

Advocate for Respondents : Mr. S.G. Karlekar for R/3

...

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

DATE : 31.07.2019

PC. :-

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

2. Mr. Yeramwar the learned counsel submits that the father and two real paternal uncles of the petitioner are granted with the validity certificates. One cousin uncle and two cousin paternal aunts of the petitioner were also granted with the validity certificates. One of the paternal cousin of the petitioner namely Sanskar Vijay Thakur is issued validity under the orders of this Court in Writ Petition No. 8826 of 2019 dated 19.07.2019.

3. The learned counsel submits that all the entries right since the

year 1921 in the record of the petitioner's great grandfather, grandfather, father and uncle records caste as Thakur.

4. The learned A.G.P. submits that there are entries recorded as Bhat, in the school record of near relatives, the same has been considered by the committee. The petitioner has also failed in the affinity test. The record would prove that the petitioner and his family belong to Thakur Bhat and the same is not a scheduled tribe. The entry of Bhat in the old record of the petitioner's relatives would prove that petitioner does not belong to Thakur Scheduled Tribe.

5. We have considered the submissions. It is not disputed that the father of the petitioner, two real paternal uncles of the petitioner are issued with the validity certificates of the Thakur Scheduled Tribe, so also the one cousin uncle of the petitioner Vijay and two cousin paternal aunts Pushpa and Ranjana d/o Rambhau are issued with the validity certificates. This Court in case of Sanskar s/o Vijay Thakur has directed issuance of conditional validity to him.

6. There are various records showing Thakur Scheduled Tribe some isolated entry of Bhat also appears.

7. Considering the entries since the year 1921 of Thakur and the validities issued, we pass the following order.

8. The impugned order 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 cases of validity holders whose proceedings are reopened and relied by the petitioner.

9. In case the certificates of the validity holders are cancelled then the petitioner would not be entitled to claim any equity nor will be entitled to protect her admission if taken from the Scheduled Tribe category. Writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]