

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

11 WRIT PETITION NO.11656 OF 2019

**JAYASHRI KAUTIKRAO SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Petitioner : Mr Yeramwar Sushant C.
AGP for Respondents State: Mr S.B. Narwade

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

DATE : 24th September, 2019

ORDER:

1. Mr. Yeramwar, learned counsel for the petitioner submits that real brother of the petitioner namely Vijaykumar Kautikrao Suryawnshi has been granted validity certificate of Thakur -Schedueled Tribe under the judgment dated 18.11.2011 in Writ petition No.7557/2011. Nephew of the petitioner namely Abhijit Vijauykumar Suryawanshi thereafter has been granted validity by this Court under judgment and order dated 06.09.2019 in Writ petition No.19239/2019. The learned counsel submits that the Committee be directed to issue validity certificate to the present petitioner.

2. Learned AGP submits that proceedings are pending before the Committee and the Committee would decide the matter on its own merits.

3. We would certainly not have entertained the present petitioner even for a moment and would have directed the committee to decide the proceedings. However, in Writ Petition No.7557/2011 filed by real brother of the petitioner namely Vijaykumar Kautikrao Suryawanshi, this Court, under judgment dated 18.10.2011, allowed the said writ petition directing the Committee to issue validity certificate of Thakur Scheduled Tribe. This Court, under its judgment and order dated 18.10.2011 in Writ Petition No. 7557/2011, observed that it has verified the original file regarding case of the petitioner's real brother. After perusal of the file it revealed to the Court that validity certificate has been granted in favour of petitioner's real brother Sunilkumar Kautikrao Suryawanshi by following due procedure prescribed under the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 and the rules framed thereunder. After perusing the entire file, this Court directed issuance of validity certificate to the petitioner therein viz. Vijaykumar Kautikrao Suryawanshi. Pursuant to the said judgment, son

of Vijaykumar was issued validity certificate under judgment and order of this Court dated 06.09.2019 in Writ Petition No.10239/2019.

4. Two real brothers of the petitioner are issued validity certificate of Thakur- Scheduled Tribe. One brother Vijaykumar Kautikrao Suryawanshi has been issued validity certificate under orders of this Court in Writ Petition No. 7557/2011 dated 18.10.2011 and that too after perusing the entire file.

5. In light of above, the present petition is allowed.

6. The Committee shall issue validity certificate to the petitioner of Thakur- Scheduled Tribe within two weeks.

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

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)

JPC