

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4698 OF 2015

Amit Dilip Thakur,
Aged 32 years,
Occupation Service
Resident of at Post Ashiye,
(Thakurwadi), Tal. Kankavali,
District Sindhudurg.

...Petitioner.

Vs.

1. State of Maharashtra
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai 400032.
2. Scheduled Tribe Certificate
Scrutiny Committee.
Konkan Division, Thane,
having office at Vartak Nagar,
Ward Office, Opp. Kores Co.,
Vedant Complex,
Vartak Nagar, Thane(W).
3. Zilla Parishad, Sindhudurga,
Through its Chief Executive Officer,
Oras, Sindhudurga, District Sindhudurga.
4. Education Officer (Primary),
Zilla Parishad, Sindhudurga,

....Respondents.

Mr. S.C. Yeramwar with Mr. R.K. Mendadkar for Petitioner.

Ms. Nisha Mehra, AGP for Respondent Nos. 1 and 2.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.

DATED : RESERVED ON SEPTEMBER 19, 2019

PRONOUNCED ON OCTOBER 17, 2019

JUDGMENT : (Per SMT. BHARATI DANGRE, J.)

1. The petitioner who claims to be belonging to Thakar tribe which is recognized as Scheduled Tribe has approached this court being aggrieved by invalidation of his caste claim by Order/Judgment dated 23.3.2015 passed by respondent No.2. He seeks declaration that the petitioner belong to Thakar tribe and the Certificate dated 19.9.2001 issued in his favour declaring him to be belonging to Schedule Tribe be validated.

2. With the assistance of the learned counsel for the parties, we have perused the impugned order passed by the Committee. In order to establish the claim the petitioner has placed reliance on the documents including his Caste Certificate and School Leaving Certificate. He has also placed reliance on the School Leaving

Certificate of his real uncle Shridhar Narayan Thakur issued by the Head Master, Kalmath Bajarpeth No.1, Taluka Kankavali, District Sindhudurga where the caste is recorded as Hindu Thakar and date of admission is scribed as 7.11.1959. This is the oldest document on which the petitioner has placed reliance. The Committee was not convinced that the petitioner has proved his claim on the basis of documentary evidence and affidavit and rejected his claim by the impugned order.

3. During the pendency of the petition, the petitioner has placed on record an affidavit sworn on 15.10.2018. He has made reference to the Vigilance Cell report which has conducted a home and school enquiry in the school of the petitioner and brought on record documents of his blood relations from the paternal side from the year 1959 onwards. He makes a reference to the genealogy tree obtained by the Vigilance Cell which include the name of one "Rajani" the daughter of cousin grand father of the petitioner Shri. Tukaram Vishnu Thakur from paternal side. In the affidavit filed in this court, the petitioner states that in her birth extract in Village Form NO.IXV her name is recorded as "Bhikala". The said extract record the date of birth as 25.5.1948 and

caste status is recorded as Thakar. According to the petitioner the said document carry great prerogative value but since the petitioner was unaware of this aspect of the matter, it was not brought to the notice of the Committee and was not placed before the Scrutiny Committee when his claim was decided.

4. We have perused the said affidavit which is accompanied by an affidavit sworn by the Rajani Maruti Thakar on 4.10.2018 where she affirm that she was known Bhikala Tukaram Thakar prior to her marriage. She has established her relationship with the petitioner-Amit Dilip Thakur. The Village Extract No.14 of Kankavali recording birth of "Bhikala dated 25.5.1948 as a daughter born to Tukaram Vishnu Thakar is also placed on record.

5. The said information has surfaced on record through the Vigilance Cell and the genealogy tree that was prepared during the course of vigilance enquiry. It is to be noted that the name of "Rajani" finds place in the said genealogy tree as daughter of Tukaram and the fact that Rajani was known as "Bhikala" needs verification by the Committee, as at present what the petitioner states in the affidavit is

that Bhikala was known as Rajani. Since the said document now produced by the petitioner goes to the root of the matter, we deem it expedient to remand the claim of the petitioner to the Scrutiny Committee to be reexamined in the light of the documents placed on record along with affidavit dated 15.10.2018. We direct the Committee to examine the claim of the petitioner in the light of the aforesaid documents by conducting Vigilance enquiry and this exercise should be completed by the Committee within a period of six months from the date of receipt of this order.

6. In the light of the aforesaid directions, we quash and set aside the impugned order dated 23.3.2015 passed by the Scrutiny Committee. We direct that no coercive steps should be taken by the employer against the petitioner till his claim is pending for adjudication before respondent No.2- Committee.

7. Writ petition stands disposed of in the aforesaid directions.

SMT. BHARATI DANGRE, J.

CHIEF JUSTICE