

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7073 OF 2016

Sandeep Mohan thakur.

...Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. R. K. Mendadkar and Mr. T. V. Jadhav for the Petitioner.

Ms. R. M. Shinde, AGP for the Respondent-State.

Coram : RANJIT MORE &
SURENDRA P. TAVADE, JJ.

Date : **December 20, 2019.**

P. C. :

1. By this petition filed under Article 226 of Constitution of India, the Petitioner is challenging the order dated 7th December 2009 passed by the Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane, i.e., Respondent No. 2 herein. By the said order, Respondent No.2 has come to the conclusion that the claim of the Petitioner as belonging to "Thakar" scheduled tribe is not proved and hence claim of the Petitioner was invalidated. Consequently, the tribe certificate issued to the Petitioner by the office of Sub Divisional Officer, Kankavali, being dated 14th August 2001 was cancelled and confiscated.

2. Mr. Mendadkar, learned counsel for the Petitioner has invited our attention to the affidavit filed by the Petitioner dated 29th November 2019. By this affidavit, the Petitioner has brought on record the genealogy of the Petitioner. The said genealogy shows that Sharad is petitioner's cousin brother. Further, an annexure to said affidavit, namely, the document at page no.59 is the tribe validity certificate dated 14th December 2018 granted to said Sharad, which shows that said Sharad was given the tribe validity certificate on 14th December 2018 of his claim that he belongs to "Thakar" scheduled tribe.

3. The Petitioner and said Sharad (cousin brother of the Petitioner) are close blood relations and therefore the tribe validity certificate granted to said Sharad can always be relied upon while considering the claim of the Petitioner that he belongs to a scheduled tribe - Thakar.

4. In that view of the matter coupled with the decision of the division bench of this Court in Apoorva Vinay Nichale v. Divisional Case Certificate Scrutiny Committee [2010(6) Mh.L.J. 401], the tribe validity certificate deserves to be granted to the

Petitioner. Hence, the petition succeeds. In that view of the matter, we dispose of this petition by passing following order :

-: O R D E R :-

- 1] The petition is allowed with no order as to costs.
- 2] The impugned order is quashed and set aside.
- 3] It is hereby declared that the Petitioner belongs to scheduled tribe "Thakar".
- 4] Respondent No.2 - Committee is directed to issue a certificate of validity to the Petitioner within a period of six weeks from today.
- 5] Needless to mention that all consequences shall follow.

[SURENDRA P TAVADE, J.]

[RANJIT MORE, J.]