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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9473 OF 2019

Sudarshan s/o Kailas Thakur
Age – 26 years, Occ – Student,
R/o A/p Loni, Post-Khardi,
Taluka – Chopda, District - Jalgaon

PETITIONER

VERSUS

- | | |
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| 1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai-32 | RESPONDENTS |
| 2. The Scheduled Tribe Certificate Scrutiny Committee,
Nandurbar Division, Nandurbar
Through its Member Secretary | |

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Mr. Sushant C. Yeramwar, Advocate for the petitioner
Mr. P. N. Kutti, AGP for respondent - State

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[CORAM : SUNIL P. DESHMUKH AND
R. G. AVACHAT, JJ.]

DATE : 10th DECEMBER, 2020

ORDER :

1. Petitioner is before this court questioning legality, validity and sustainability of order dated 16th July, 2019 passed by respondent No. 2 – the Scheduled Tribe Certificate Scrutiny Committee, Nandurbar Division, Nandurbar (Committee), invalidating tribe claim of the petitioner to be belonging to "Thakur" scheduled tribe.

2. Learned advocate for the petitioner points out order dated 5th November, 2020 passed by this court in writ petition No. 9490 of 2019 in the case of "*Puja d/o Vijay Thakur V/s State of Maharashtra and Another*".

3. Learned advocate appearing for the parties are *ad idem* that present petitioner's tribe claim had been decided by a common order along with tribe claim of *Puja d/o Vijay Thakur*, who happens to be his cousin – daughter of real uncle. It has further been not in dispute that the same material had been relied on by present petitioner as well before the committee and evidence had also been the same.

4. In the circumstances, it would be appropriate that we adopt decision dated 5th November, 2020 in writ petition No. 9490 of 2019 and dispose of present writ petition in the same terms.

5. While learned advocate for the petitioner has advanced arguments as have been referred to in paragraphs No. 3 to 8 and learned AGP has advanced similar contentions as are appearing in paragraph No. 9 of aforesaid order, discussion and observations as appearing in paragraphs No. 10 to 14 of order dated 5th November, 2020 in writ petition No. 9490 of 2019 shall

be deemed to have been reiterated in present order.

6. As such, present writ petition as well is disposed of in the same terms and on the same considerations as have been weighed with the court in decision dated 5th November, 2020 in writ petition No. 9490 of 2019.

7. Having regard to aforesaid, order dated 16th July, 2019 passed by respondent No. 2, against present petitioner is quashed and set aside. Committee shall issue validity certificate to the petitioner as "*Thakur*" scheduled tribe, subject to decision, in the proceedings if are reopened in case of any validity holder relied on by petitioner.

8. We expect that the committee would issue necessary certificate to the petitioner within a period of one week.

9. Writ petition stands disposed of.

[R. G. AVACHAT]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE