

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

WRIT PETITION NO. 327 OF 2021

Darshan s/o Khumansingh Thakur

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr D.B. Shinde, Advocate for petitioner

Mr S.K. Tambe, A.G.P. for respondents no.1 and 3

Mr S.G. Karlekar, Advocate for respondent no.2

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 15th January 2021

PER COURT :

1. The learned Counsel for the petitioner submits that the caste claim of the petitioner as Thakur - Scheduled Tribe is invalidated.
2. Mr Shinde submits that the real brother of the petitioner namely Jayesh is issued with the validity certificate by the Scrutiny Committee in the year 1999. Two cousin brothers of the petitioner namely Bhupendra and Kapil are issued with the validity certificates of Thakur - Scheduled Tribe. One another cousin of the petitioner namely Manohar Subhash Thakur is issued with the validity certificate of Thakur - Scheduled Tribe under the order of this Court dated 28.7.2017 in Writ Petition No. 7549 of 2012.
3. The learned Counsel for the petitioner submits that the respondent - Committee has relied upon one of the entry in the school record of grandfather of the petitioner namely Bhagwan whose caste is recorded as Bhat, that is the isolated entry. The said entry is of the year 1944. Whereas, Bhagwan's father Daga's school entry of the year 1921 records his caste as Thakur. Bhagwan is son of Daga. There are pre-constitutional documents wherein the school entries are recorded as Thakur.

4. The learned A.G.P. submits that show cause notices are issued to the validity holders relied by the petitioner. The relationship of the petitioner with Manohar is not established.

5. It is not disputed that the real brother of the petitioner Jayesh is issued with the validity certificate as Thakur - Scheduled Tribe and other two cousins of the petitioner namely Bhupendra and Kapil are issued with the validity certificates as Thakur -Scheduled Tribe. The petitioner has placed on record the school entry of Daga, father of Bhagwan of the year 1921, where his caste is recorded as Thakur. Even, in the school record of the petitioner's father of year 1947, his caste is recorded as Thakur. The petitioner has also relied upon other old entry of Ambar of year 1920, where his caste is recorded as Thakur.

6. Considering the above and the fact that the show cause notices are issued to the validity holders relied upon by the petitioner, the impugned order is quashed and set aside. The Committee shall issue validity certificate to the petitioner of Thakur -Scheduled Tribe immediately.

7. The said validity certificate would be subject to the decision that would be taken by the Committee in the proceedings re-opened of the validity holders relied by the petitioner.

8. Writ Petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)