

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

1024 WRIT PETITION NO. 1375 OF 2021

**SHUBHAM RAJU THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner: Mr. Shinde Balaji S.
AGP for Respondents/State: Ms. P. V. Diggikar

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

DATE: 22nd JANUARY, 2021

PER COURT:

1. The caste claim of the petitioner as belonging to Thakur, Scheduled Tribe in invalidated.

2. Mr. Shinde, the learned Counsel submits that apart from the pre-constitutional documents of the school record of the great grandfather of the petitioner of the year 1935 the petitioner has also produced the copy of the registered sale deed/ mortgage deed of the year 1929, wherein the caste is recorded as Thakur. Even the petitioner had produced the death certificate of great grandfather of the petitioner of the year 1933,

wherein caste is recorded as Thakur. The learned Counsel submits that apart from the school record of the petitioner and his father the petitioner has also produced the school record of great grand father of the year 1935 to show that the petitioner belongs to Thakur, Scheduled Tribe.

3. We have also heard the learned A.G.P.

4. It transpires that the committee failed to conduct the vigilance in respect of the sale deed / mortgage deed of they year 1929 and the death certificate of the great grandfather of the petitioner, though the same was produced. It appears that because of lack of time vigilance could not be conducted in respect of the said documents.

5. Old documents have more probative value.

6. Considering that the matter pertains to the social status of the petitioner, we are inclined to grant one more opportunity to the petitioner.

7. In light of that, we pass the following order.

8. The impugned order is quashed and set aside. The matter is relegated to the committee. The committee shall conduct the vigilance in respect of the sale deed / mortgage deed produced by the petitioner of the year 1929 and also his death certificate as claimed by the petitioner.

9. The said vigilance shall be conducted and the proceedings be decided afresh preferably on or before 03.02.2021. The petitioner shall appear before the committee on 25.01.2021.

10. Writ Petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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