

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

100 WRIT PETITION NO.3010 OF 2021

**DIPAK BHARAT THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner: Mr. Deshmukh Mahesh S.
AGP for Respondents/State: Mr. K. N. Lokhande

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

DATE: 15th FEBRUARY, 2021

PER COURT:

1. The tribe claim of the petitioner as Thakur, Scheduled Tribe is invalidated.

2. Mr. Deshmukh, learned Counsel for the petitioner submits that the paternal cousins of the petitioner namely Ghanshyam S/o. Suratsingh Thakur and Sarika D/o. Suratsingh Thakur are issued with the validity certificates of Thakur, Scheduled Tribe. The learned Counsel submits that the committee has relied upon the entry of the year 1913 and 1914 to submit that the school entry of the cousin great grandfather of the petitioner appears to be Bhat and Great

grandfather as Bhat Thakur. The learned Counsel submits that the school entry of cousin great grandfather of the petitioner Omkar's school record of the year - 1910 records caste as Thakur, the same entry is not considered. Entry of the year - 1910 is the oldest entry. The learned Counsel submits that except the two entries, referred above, all entries are of pre-constitutional era and records caste as Thakur in the caste column of the petitioner's ancestors.

3. The learned A.G.P. submits that while obtaining the validity certificates by the paternal cousins of the petitioner the entry of Bhat of the year-1913 and Bhat Thakur of the year-1914 in the name of the cousin great grandfather and great grandfather respectively of the petitioner were suppressed. The same were not brought to the notice of the committee.

4. The relationship does not appear to be disputed of the petitioner with the Ghanshayam and

Sarika. They are issued with the validity certificates by the committee.

5. It does not appear from the record placed before us that the school entry in the name of Omkar Ramji Thakur of the year-1910 recording Thakur as caste was ever disputed by the committee. The same is the oldest entry. The entry in the school record of the year-1913 records caste as Bhat and of the year-1914 as Bhat Thakur in the name of the cousin great grandfather and great grandfather respectively except the same all the other entries are recording caste as Thakur. The same are also of a pre-constitutional era. Show cause notices are issued to the validity holders relied by the petitioner.

6. Considering the above, we pass the following order.

7. The impugned order is set aside.

8. The committee shall issue validity certificate to the petitioner of Thakur, Scheduled Tribe.

9. The said validity certificate shall 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.

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

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

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