

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

WRIT PETITION NO. 4314 OF 2021

Gajanan S/o Vilas Garud

... Petitioner.

Versus

The State of Maharashtra
and others

... Respondents.

....

Mr. Sushant C. Yeramwar, Advocate for the Petitioner.

Ms. V.S. Chaudhari, A.G.P. for Respondent Nos.1 and 2.

....

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

DATE : 11th MARCH, 2021

PER COURT:-

1. The tribe claim of the petitioner as “Thakur” Scheduled Tribe is invalidated.
2. The learned counsel for the petitioner submits that there are 22 validity certificates issued in the family of the petitioner and 5 members in the family of the petitioner are issued with the validity certificate under the order of this Court. The learned counsel refers to the order passed in writ petition Nos.8739 of 2019 and 8761 of 2019 dated 18.07.2019.

3. The relationship of the petitioner with those validity holders is not disputed by the committee in the order now before us.

4. In the order dated 18.07.2019 in writ petition Nos. 8739 of 2019 and 8761 of 2019, this Court has observed as under:

“6. There are no contra entries in the documents on record of the petitioner, his father, his uncle, grandfather caste is recorded as Thakur. The school record of the grandfather of the petitioner is of the year 1951 which also records caste as Thakur. The another document of the grandfather of the petitioner of the year 1954 also records caste as Thakur.

7. This Court in case of Nivrutti Tukaram Garud has considered the documents and thereafter has delivered the judgment on March 1, 1994 in Writ Petition No. 502 of 1994 and directed the authority to issue validity certificate to him. The relationship is not disputed.”

5. In the light of the above, we pass the following order.

6. In view of the aforesaid facts, the impugned order is quashed and set aside. The respondent / committee shall issue validity certificate to the petitioners of Thakur, Scheduled Tribe immediately.

The same shall be subject to the decision that may be taken by the committee in case the validation proceedings in respect of the validity holders relied by the petitioners are reopened.

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

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane