

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

27 WRIT PETITION NO.8192 OF 2021

Anshu d/o Devidas Thakur,
Age-17 years (Minor), Occ.: Student,
U/g father, viz. Devidas s/o Khandu
Thakur, Age – 44 years, Occ.: Service,
Presently residing at-
Flat No.10, Harisankalp Apartment,
Chavan Mala, Behind BITCO College,
Nashik Road, Nashik,
Tq.&Dist.: Nashik **.. Petitioner**

VERSUS

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

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Advocate for Petitioner: Mr.Sushant C. Yeramwar
AGP for Respondents: Mrs. M. A. Deshpande

...

**CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE: 02nd AUGUST, 2021

ORAL JUDGMENT (Per S. V. Gangapurwala, J.):

1. The learned A.G.P. accepts notice for both
the respondents.

2. Rule. Rule returnable forthwith. With the consent of parties matter is taken up for final hearing.

3. The caste claim of the petitioner as Thakur Scheduled Tribe has been invalidated.

4. Mr. Yeramwar, learned Counsel for the petitioner submits that the old school record of the petitioner's ancestors has been relied while invalidating the caste claim of the petitioner, however, at the relevant time the petitioner was not in possession of the relevant birth extracts of those persons. In the birth extracts of the ancestors of the petitioner the caste is clearly recorded as Thakur, whereas in the school record the same was recorded as Bhat / Brahmbhat. The learned Counsel submits that opportunity be given to the petitioner to place on record the aforesaid documents. The petitioner is going to appear for the NEET examination in September-2021.

5. The learned A.G.P. opposes the request of the petitioner and submits that ample opportunity was given to the petitioner to place-forth all the documents, the petitioner was given opportunity to file his say to the vigilance report and also argue the matter. The copies of the birth extracts produced by the petitioner also do not inspire confidence due to various discrepancies in the same *vis-a-vis* the school record.

6. We have considered the submissions canvassed by the learned Counsel for the parties.

7. The matter pertains to the social status of the petitioner. The petitioner has placed on record the photocopies of the birth extracts of some of the relatives whose school record was relied while invalidating the caste claim. Considering that the petitioner is intending to appear for NEET examination and also the matter pertain to the social status of the petitioner, we are inclined to grant one more opportunity to the petitioner to put-forth the additional documents.

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

ORDER

I] The impugned order is quashed and set aside.

II] The parties are relegated before the scrutiny committee.

III] The petitioner shall appear before the scrutiny Committee on 11.08.2021.

IV] The petitioner on the said date may place on record the original / certified documents on which the petitioner intends to rely.

V] The committee may direct vigilance to be conducted in respect of the additional documents.

VI] Considering that the petitioner is exploring possibility of admission to the professional course, the scrutiny committee may, if it is possible, endeavour to decide the validation proceeding before the end of September-2021.

VII] The petitioner shall co-operate in expeditious disposal of the proceeding.

VIII] Rule is accordingly made absolute in above terms.

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

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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