

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

WRIT PETITION NO. 13118 OF 2021

Makrand Madhukar Garud
and another

.. Petitioners

Versus

State Common Entrance Test Cell
Through its Commissioner and
Competent Authority and others

.. Respondents

Mr. Mahesh S. Deshmukh, Advocate h/f Mr. Sagar S. Phatale, Advocate
for the Petitioners.

Mr. P. S. Patil, Addl. G. P. for Respondents/State.

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

DATED : 30th November, 2021.

PER COURT:-

. Amongst other submissions, one of the submission of Mr. Deshmukh, learned counsel for the petitioners is that the real brother of the petitioner no. 1 namely Mukund had also applied for the validity certificate of "Thakur" (Scheduled Tribe). The same was invalidated. He filed Writ Petition No. 4532 of 2021. This Court under order dated 11.03.2021 allowed the writ petition directing the committee to grant validity certificate.

2. The petitioner no. 2 is paternal cousin of petitioner no. 1 and the

committee has decided the proceedings of both the petitioners by common judgment.

3. The learned Addl. G. P. submits that the committee has considered the affinity test, the residence of the petitioners and all other relevant aspects of the matter. One of the school record of the petitioners father does not mention tribe as "Thakur".

4. The relationship of the petitioners with that of Mukund Madhukar Garud is not disputed. He is the real brother of petitioner no. 1. The conditional order has been passed in case of Mukund Madhukar Garud by this Court under order dated 11.03.2021 in Writ Petition No. 4532 of 2021. It has been observed as under :

“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 certificates 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.
7. Writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.