

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

941 WRIT PETITION NO.13260 OF 2021

VAISHNAVI ARUN MAHALE (SINCE MINOR) REPRESENTED
THROUGH NATURAL GUARDIAN I.E. FATHER ARUN
DHARMASING MAHALE AND ANOTHER
VERSUS
STATE COMMON ENTRANCE TEST CELL AND OTHERS

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Advocate for Petitioners: Mr. Deshmukh Mahesh S.
Advocate for Respondent No. 1: Mr. S. G. Karlekar
AGP for Respondents/State: Mr. A. R. Kale

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

DATE: 02nd DECEMBER, 2021

PER COURT:

1. The tribe claims of the Petitioners as Thakur, Scheduled Tribes are invalidated. The learned Counsel submits that the school record of the cousin grandfather of the Petitioners Shrawan of the year-1922 records caste as Thakur. The school record of great grandfather of the Petitioners Vitthal Krushna Thakur of the year-1903 records caste as Thakur, so also, in case of other cousin grandfathers namely Chinda Dhada Thakur and Dharamsing Vitthal Thakur the caste is recorded as Thakur in their school records in the

year-1946. According to the learned Counsel, the Petitioners have disputed relationship in their say filed to the Vigilance Report with Devidas Bhuta Thakur and Udaysing Vithhal Thakur, so also, other relatives shown in the vigilance. In case of paternal cousin of the Petitioners namely Nitin S/o. Shriram this Court had directed the Committee to issue validity certificate to him in Writ Petition No. 793 of 2012. The father of the Petitioners is also issued with the validity certificate of Thakur, Scheduled Tribe.

2. The learned A.G.P. submits that the Petitioners have failed in the affinity test. There are contra entries on record which were suppressed at the time of getting validity by the father in the matter before this Court of Nitin S/o. Shriram. The Petitioners also does not belong to the area where the persons of Thakur, Scheduled Tribe community resides.

3. The learned A.G.P. submits that the Committee is also taking steps to file the Review Petition

of the Judgment delivered in the case of Nitin S/o. Shriram.

4. We have considered the submission canvassed by the learned Counsel for respective parties.

5. It is not disputed that the father of the petitioners has been issued with the validity certificate of Thakur, Scheduled Tribe. The paternal cousin of the Petitioners namely Nitin had filed Writ Petition No. 793 of 2012 against the invalidation of his caste claim. This Court in its Judgment and Order dated 31.07.2017 allowed the Writ Petition and directed the Committee to issue validity certificate to him. The old school records of the Petitioners great grandfather, grandfather, cousin grandfather from the year-1903 records caste as Thakur. The Committee has issued validity certificate to the father of the Petitioners. The show cause notice has been issued to the father of the Petitioners and the other validity holders relied by the Petitioners.

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

7. The Committee shall issue validity certificates to the Petitioners of Thakur, Scheduled Tribes.

8. The said validity certificates shall be subject to the decision that may be taken by the Committee in the proceedings reopened of the validity holders relied by the Petitioners and in Review that may be filed by the Committee in case of Nitin S/o. Shriram.

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

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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