

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

926 WRIT PETITION NO.13389 OF 2021

**KARAN LALITKUMAR THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Petitioner: Mr. Yeramwar Sushant C.
AGP for Respondents: Mr. P. S. Patil

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

DATE: 04th DECEMBER, 2021

PER COURT:

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

2. Amongst the other submissions, one of the submission of the learned Counsel for the Petitioner is that the paternal cousin of the Petitioner Aditya had also applied for the validity certificate of Thakur, Scheduled Tribe. The Committee invalidated the same. He filed Writ Petition No. 889 of 2020. This Court under order dated 22.12.2020 directed the Committee to issue validity certificate to him.

3. Mr. Patil, the learned A.G.P. submits that the Petitioner could not prove the affinity test. The Petitioner also does not belong to the place where ordinarily Thakur, Scheduled Tribe persons reside. At the time of issuing the certificates to cousin grandfather and the cousin uncle the documents are not properly considered. The Committee has considered all these aspects of the matter.

4. The learned A.G.P. further submits that the tribe claim of one of the brothers of the Petitioner is also invalidated.

5. The learned Counsel for the Petitioner submits that his brother has challenged the same before the Principal Seat at Bombay and same is pending.

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

7. The Petitioner in order to prove his claim has placed on record the following documents-

अ. क्र.	दस्तऐवजांचे प्रकार	दस्तऐवजधारकाचे नाव	अर्जदार यांच्याशी नाते	जातीची नोंद	नोंदणी दिनांक
1.	शालेय पुरावा	करण ललितकुमार ठाकूर	अर्जदार	ठाकूर	10.07.2019
2.	शालेय पुरावा	अजय ललितकुमार ठाकूर	भाऊ	हिंदू ठाकूर	15/06/2009
3.	शालेय पुरावा	ललितकुमार आत्माराम ठाकूर	वडील	हिंदू ठाकूर	06.06.1980
4.	शालेय पुरावा	आत्माराम नवल ठाकूर	आजोबा	हिंदू ठाकूर	31.07.1956
5.	शालेय पुरावा	नवल गणपत ठाकूर	पणजोबा	ठाकूर	02.07.1930
6.	मृत्यू पुरावा	सदा मानसिंग	खापर पणजोबा	ठाकूर	मृत्यू दिनांक 17.09.1931

अ. क्र.	शाळेचे नाव	विद्यार्थ्याचे नाव	अर्जदार यांच्याशी नाते	जात	प्रवेश दिनांक
1.	शालेय पुरावा	आत्माराम नवल ठाकूर	आजोबा	हिंदू ठाकूर	31.07.1956
2.	शालेय पुरावा	ओमप्रकाश नवलसिंग सूर्यवंशी	चुलत आजोबा	हिंदू ठाकूर	14.07.1960
3.	शालेय पुरावा	महेशकुमार नवलसिंग ठाकूर	वडील	हिंदू ठाकूर	08.07.1978

8. The vigilance did not find any interpolation in the said documents. The school record of the Petitioner's great grandfather namely Naval of the year-1930 records tribe case Thakur, so also, in respect of the great great grandfather Sada of the year-1931 the tribe is recorded as Thakur. The school record of the Petitioner's grandfather

Atmaram of the year-1956 records tribe as Thakur. The entries of Thakur in the school record of the Petitioner's father, grandfather, great grandfather consistently records tribe as Thakur.

9. The paternal relative of the Petitioner namely Aditya S/o. Ranjitsing Thakur is directed to be issued validity certificate under the orders of this Court dated 22.12.2020 in Writ Petition No. 889 of 2020.

10. In view of the above facts and circumstances, we pass the following order.

11. The order of the Scrutiny Committee invalidating the tribe claim of the Petitioner is set aside.

12. The Committee shall issue validity certificate to the Petitioner of Thakur, Scheduled Tribe.

13. Writ Petition accordingly stands allowed and disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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