

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

WRIT PETITION NO. 13396 OF 2021

Tushar Bhagwan Pawar

.. Petitioner

Versus

Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad through its Member Secretary
and another

.. Respondents

Mr. Sagar S. Phatale, Advocate for the Petitioner.
Mr. P. S. Patil, Addl. G. P. for Respondents/State.

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

DATED : 04th December, 2021.

PER COURT:-

. The tribe claim of the petitioner as belonging to “Thakar” (Scheduled Tribe) is invalidated.

2. Amongst other submissions, one of the submission made by the learned counsel for the petitioner is that Kum. Shital Prasadrao Pawar and Akash Prasadrao Pawar are the paternal cousins of the petitioner. Their claims as belonging to “Thakar” (Scheduled Tribe) were also invalidated by the committee. They filed Writ Petition No. 9287 of 2021 before this Court. This Court under order dated 27.10.2021 allowed the writ petition and directed the committee to issue validity

certificates to them. The learned counsel submits that the relationship is established in the vigilance of the Prasad s/o Sakharam. He has been issued with the validity certificate. Reference of school record of petitioner's father is made as his paternal cousin and even in the present case, the committee has not disputed the relationship with Prasad. Kum Shital and Akash are the daughter and son of Prasad.

3. The learned Addl. G. P. submits that the petitioner has failed in the affinity test. There are contra entries on record.

4. The contra entry of father of the petitioner was subject matter of consideration while issuing validity to Prasad. Prasad's son and daughter are directed to be issued with conditional validity by this Court under order dated 27.10.2021 in Writ Petition No. 9287 of 2021.

5. In the light of that, we follow the same course and pass the following order.

6. The committee shall issue validity certificate to the petitioner of "Thakar" (Scheduled Tribe) immediately.

7. The said validity certificate shall be subject to the decision that would be taken by the committee in the proceedings reopened of the validity holders relied by the petitioner.

8. Writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.