

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.110 OF 2022

Jotiraditya s/o Ashok Jagtap,
Age : 19 years, Occu. Student,
R/o at present Ieet, Tq. Bhoom,
District Osmanabad

PETITIONER

VERSUS

1. The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai,
through its Secretary
2. The Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad Division,
Aurangabad, through its
Member Secretary

RESPONDENTS

Mr. Sushant C. Yeramwar, Advocate for the petitioner
Mr. S.P. Tiwari, A.G.P. for the respondents/State

**CORAM : S.V. GANGAPURWALA AND
S.G. DIGE, JJ.**

DATE : 07.01.2022

PER COURT :

Heard.

2. The caste claim of the petitioner as belonging to 'Thakar'
Scheduled Tribe has been invalidated.

3. The learned counsel for the petitioner submits that in the case of the petitioner, independent vigilance cell enquiry was not conducted and the vigilance enquiry conducted in case of petitioner's paternal cousin namely Dnyaneshwar Santosh Jagtap was relied upon. Since the caste claim of said Dnyaneshwar Santosh Jagtap was invalidated by the Scrutiny Committee, he filed writ petition No.9155 of 2021. The Division Bench of this Court, under order dated 22nd November, 2021, allowed the said writ petition and directed the Scrutiny Committee to issue validity certificate to the petitioner therein as belonging to 'Thakar' Scheduled Tribe. The Court observed that not a single contra entry existed and the entire record since the year 1951 in the case of petitioner's grandfather and great-grandfather records the caste as 'Thakar'. In view of that, the petitioner also ought to have been issued the validity certificate.

4. The learned A.G.P. submits that the father of the petitioner was issued validity certificate on the basis of one Kesa Aba Jagtap, who was not related to the father of the petitioner. The petitioner failed in the affinity test.

5. It appears to be a matter of fact that the Scrutiny Committee did not conduct independent vigilance enquiry in case of the petitioner and the vigilance cell report in case of Dnyaneshwar Santosh Jagtap was relied upon. His claim was also invalidated. He filed writ petition No.9155 of 2021. This

Court, under order dated 22nd November, 2021, allowed the writ petition considering the entire documents on record. The same yardstick would have to be applied in case of the petitioner. Reference can be had to the judgment in the case of *Apoorva d/o Vinay Nichale Vs. Divisional Caste Scrutiny Committee No.1 and Ors., reported in 2010 (6) Mh.L.J. 401*. In the present matter also, not a single contra entry appears. The documents in the present matter relied upon by the petitioner are the same as were relied upon by Dnyaneshwar Santosh Jagtap in writ petition No.9155/2021.

6. In view of above, we pass the following order:

- (A) The impugned order is quashed and set aside.
- (B) The Committee shall issue validity certificate to the petitioner of 'Thakar' Scheduled Tribe.
- (C) The said validity is subject to the decision that would be taken by the Committee in the validation proceedings that would be reopened of the validity holders relied by the petitioner.

7. Writ Petition is disposed of. No costs.

[S.G. DIGE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

