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

913 WRIT PETITION NO.6996 OF 2022

VIVEKANAND PRALHAD THAKUR AND ANOTHER
VERSUS
SCHEDULED TRIBE CERTIFICATE SCRUTINY
COMMITTEE THROUGH ITS MEMBER SECRETARY

....

Mr D. B. Shinde, Advocate for petitioners;
Mr P. S. Patil, A.G.P. for respondent/State

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 3rd August, 2022

PER COURT:

1. Petitioner No.1 is the father of petitioner No.2. Both have approached this Court with prayer clauses (B) and (C), as under :-

“(B) KINDLY ISSUE Writ of Mandamus or any other appropriate Writ in the like nature thereby direct the Respondent No.1-Scrutiny committee to decide tribe claim of petitioners within stipulated period.

(C) KINDLY ISSUE any other equitable relief appropriate order or directions as this Hon’ble Court may deem fit and proper in the peculiar fact and circumstances of the case;”

2. The learned A.G.P. has drawn our attention to page No.15 of the petition paper book, which is a conclusion drawn by the

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Competent Committee on 23/04/2012, recording its impression that petitioner No.1/father, has not pursued his claim of belonging to 'Thakur' Scheduled Tribe category. The file was, therefore, closed and a copy of the said order was forwarded to petitioner No.1. The said petitioner has then obtained a new Scheduled Tribe certificate of belonging to 'Thakur' on 02/02/2022, and the same is forwarded for validation to the Committee.

3. Nowhere in the petition has petitioner No.1 even whispered that his 'Thakur' Scheduled Tribe certificate was already subjected to a validation process under the 'Maharashtra Scheduled Caste, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, and the file has been closed. This is apparently suppression of material information and we can see the reason on the part of the petitioner No.1 in doing so, so as to acquire a favourable order from this Court.

4. Keeping In view, the law laid down by the Hon'ble Supreme Court in **Kishor Samrite Vs. State of Uttar Pradesh, (2013) 2 SCC 398** and **Bhaskar Laxman Jadhav Vs. Karmveer**

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Kakasaheb Wagh Education Society, (2013) 11 SCC 531, we do not intend to grant any relief to petitioner No.1 – Vivekanand Pralhad Thakur.

5. Petitioner No.2 is Akshada, who is the daughter of petitioner No.1. She secured admission in the Diploma Course after passing the 10th standard. She received her 'Thakur' Scheduled Tribe certificate on 04/02/2022 and she has forwarded her claim for validation on 22/02/2022. She prays for an out of turn expeditious decision on her pending claim.

6. The learned A.G.P. representing the respondent has placed reliance upon the Government Resolution dated 10/12/2019, wherein it has been recorded in Clause (2) that a student, who wishes his claim to be validated, should submit the claim to the Competent Committee after he enters the 11th or the 12th standard. Petitioner No.2 - Akshada, secured admission in the first year of the Diploma Course, instead of opting for education imparted in the 11th and the 12th standard. This Diploma in Electric Engineering is available to the students, who pass their 10th standard. The learned A.G.P. submits that in this view of the matter, seeking an order of this Court for out of turn expeditious

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hearing, would be unjustified. Nevertheless, the Committee has always been granting priority to the cases of the students and the claim of petitioner No.2 would be decided within six months.

7. In view of the above, this petition is disposed off.

8. We restrict our directions only to the case of petitioner No.2 - Akshada and we expect the Committee to decide her claim, as expeditiously as possible and preferably, on or before 30/12/2022.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

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