

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9765 OF 2022

HARSHAL MANOHAR THAKUR UNDER GUARDIAN OF
FATHER MANOHAR BABURAO THAKUR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER

...
Advocate for the Petitioner : Shri Yeramwar Sushant C.
AGP for the Respondents/State : Shri P.K. Lakhotiya

...
CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.

DATE :- 22nd September, 2022

Per Court :-

1. The petitioner, a minor, has put forth prayer clause B
as under:-

“B) To hold and declare that petitioner belongs to
“Thakur- Scheduled Tribe” in view of the
certificates of validity issued by the Committee
in favour of paternal side relatives of the
petitioner by following due procedure of law,
as well as, the declaration by the Hon’ble High
Court that paternal side relatives of the
petitioner belongs to “Thakur- Scheduled
Tribe” (Exhibit-C Collectively) by issuing
appropriate writ, orders or directions as the
case may be;”

2. After this matter was heard for sometime in the first
session, we made it clear to the learned advocate for the

petitioner that we would not step into the shoes of the Committee and take upon ourselves the task of deciding whether, the petitioner belongs to “Thakur”, Scheduled Tribe, category and direct the Committee to issue a validity certificate under our orders, when his claim for validity is still pending adjudication.

3. After a pass over, the learned AGP representing the Scrutiny Committee submits that there are certain documents, which need to be gone into. The real sister of the petitioner has been granted a conditional validity by this Court. It is stated that the Committee would decide the claim of the petitioner by the end of December, 2022.

4. Considering the above, this Writ Petition is disposed off.

5. We deem it appropriate to direct that the Committee would decide the claim of the petitioner as expeditiously as possible and not later than 15.11.2022. We make it clear that we have not expressed any opinion as regards the merits of the claim of the petitioner. The petitioner is at liberty to rely upon such material as he deems appropriate.