

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

41 WRIT PETITION NO.12218 OF 2022

Suresh s/o Raghunath Sandhane,
Age-48 years, Occu-Service,
R/o C/o Ramdas Wagh, Plot No.85,
Ganesh Colony Stop, Jalgaon,
Tq. and Dist. Jalgaon

-- PETITIONER

VERSUS

1. The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai-32,
Through it's Secretary,

2. The Scheduled Tribe Certificate
Scrutiny Committee, Dhule Division,
Dhule, Tq. and Dist. Dhule,
Through its Member Secretary,

3. The Chief Executive Officer,
Zilla Parishad, Jalgaon,
Tq. and Dist. Jalgaon

--RESPONDENTS

Mr.Umesh B.Gite h/f Mr.S.C.Yeramwar, Advocate for the petitioner.
Ms.R.P.Gaur, AGP for the respondent/State.
Mr.V.V.Gujar, Advocate for respondent No.3.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : DECEMBER 19, 2022

ORAL JUDGMENT : (Per Ravindra V. Ghuge, J.)

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The petitioner has approached this Court since his claim of belonging to Thakur ST category has been invalidated by the Committee vide the impugned judgment dated 10.10.2022. It is pointed out that the daughter of the petitioner, Pragati Suresh Thakur succeeded in WP No.1022/2021 vide judgment dated 19.01.2021. Her claim was upheld by this Court and the Committee was directed to issue a validity certificate.

3. The petitioner draws our attention to the family tree which is a part of the affidavit filed by his daughter Pragati alongwith her claim before the Committee. His daughter is the first person to get the validity certificate from amongst the members of the family tree. No blood relative of the petitioner has suffered invalidation at the hands of the Committee or the Court.

4. The learned AGP has strenuously opposed this petition by drawing our attention to the conclusions of the Committee that the

petitioner was not able to establish his claim on the basis of any evidence. So also, the petitioner's claim is invalidated since he did not produce any validity certificate of a blood relative in support of his claim.

5. The learned Advocate for the petitioner submits that he had submitted an application dated 22.12.2021 attaching the photostat copy of the judgment of this Court dated 19.01.2021, passed in the case of Pragati d/o Suresh Thakur (supra).

6. Considering the above and taking into account the fact that the learned Division Bench of this Court has delivered a judgment on 19.01.2021 in Pragati d/o Suresh, that the law laid down in **Apporva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur [2010(6) Mh.L.J.401 : AIR 2010(6) Bom.R.21]**, would squarely become applicable to the case of the petitioner. Pragati's validity certificate is intact and has not been called in question. If the daughter belongs to the Thakur ST category, we have no reason to conclude that the petitioner, who is her father, does not belonging to the Thakur ST category.

7. In view of the above, this petition is allowed. The impugned order of the Committee dated 10.10.2022 is quashed and set aside and the respondent No.2 Committee is directed to issue a Thakur ST validity certificate to the petitioner, as expeditiously as possible and in any case on or before 30.01.2023.

8. Rule is made partly absolute in the above terms.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)