

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5624 OF 2022

Sampatrao S/o Balkrishna Suryawanshi

...Petitioner

Versus

The State of Maharashtra,
Tribal Development Dept.
Through Secretary & Ors.

...Respondents

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Mr.S.C. Yeramwar for the Petitioner.

Mrs.P.N. Diwan, AGP, for the Respondent-State.

CORAM : S.V. GANGAPURWALA &
S.M. MODAK, JJ.

DATE : 29 JUNE 2022

P.C:-

. The Caste claim of the Petitioner as belonging to the
'Thakar Scheduled Tribe' is invalidated.

2. The learned counsel for the Petitioner submits that all
the entries which are subject matter of consideration before the
Committee were also subject matter of the consideration in case
of the real sister of the Petitioner namely Alka daughter of
Balkrishna Suryawanshi. The Committee had invalidated her
Caste claim. She filed Writ Petition bearing No.12705 of 2019
before this Court.

3. The Division Bench of this Court under order dated 14 March 2022 allowed the Writ Petition, setting aside the judgment of the Scrutiny Committee.

4. The learned AGP submits that there are contra entries on record. The school record of the father of the Petitioner record caste is 'Maratha'. The Petitioner failed in the affinity test. All these aspects are considered by the Committee and thereby had arrived at the conclusion. No error has been committed by the Committee.

5. We have gone through the judgment delivered by the Committee. We have also gone through the judgment passed in the case of the real sister of the Petitioner namely Alka Balkrishna Suryawanshi. The judgment in case of the Petitioner and the real sister of the Petitioner namely Alka are delivered by the same Committee and are identical.

6. The Division Bench of this Court in Writ Petition preferred by the real sister of the Petitioner Alka had considered the judgment of the Committee and allowed the Petition by setting aside the judgment of the Scrutiny Committee and directed issuance of Validity Certificate to the sister of the Petitioner Alka.

7. The different view cannot be taken in the case of the real brother.

8. In view of the judgment delivered by the Division Bench of this Court dated 14 March 2022 in case of real sister of the Petitioner in Writ Petition No.12705 of 2019 and for the reasons recorded therein, the judgment delivered by the Committee in case of the Petitioner, is also set aside. The Committee shall issue a Validity Certificate to the Petitioner of 'Thakar Scheduled Tribe' preferably within three weeks.

9. Needless to state that the Respondents shall not deprive the Petitioner from all the benefits entitle to him as the validity certificate has been directed to be issued.

10. Writ Petition is accordingly disposed of. No costs.

(S.M. MODAK, J.)

(S.V. GANGAPURWALA, J.)