

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 4140 of 2022

Alok s/o Subhash Gathe,
R/o. At Post Asalgaon, Tah. Jalgaon-Jamod, Dist. Buldhana. ..Petitioner.

Vs.

The Vice-Chairman/Member-Secretary,
Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati

with
WRIT PETITION NO/1781/2022

Subhash s/o Pralhad Gathe
R/o. At Post Asalgaon, Tah. Jalgaon-Jamod, Dist. Buldhana. ..Petitioner.

Vs.

The Vice-Chairman/Member-Secretary,
Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati
and Two others.

....

Ms. Priti Rane, Advocate for petitioner in both the writ petitions
Ms. K.R.Deshpande, Assistant Government Pleader for respondent no.1 in both writ petitions.
Shri M.PKhajanchi, Advocate for respondent nos. 2 and 3 in W.P.No.1781/2022.

...

CORAM :- A.S.CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE :- AUGUST 30, 2022

P.C.

In Writ Petition No.1781 of 2022 the claim of Subhash who is the father of the petitioner in Writ Petition No.4140 of 2022-Alok is under challenge. By the common order dated 07.12.2021 the claim of the petitioners of belonging to 'Thakur' Scheduled Tribe has been invalidated.

It is an admitted position that the real brother of Alok and son of Subhash - Bhushan has been held to belong to 'Thakur' Scheduled Tribe in view of the

judgment in Writ Petition No.5110/2019 (*Bhushan Subash Gathe vs. The Vice-Chairman/Member Secretary, Schedule Tribe Caste Certificate Committee, Amravati*). Pursuant thereto a validity certificate has been issued to Bhushan. Similarly another blood relative Krushna s/o Sudhakar Gathe has also been issued a validity certificate in view of the judgment in Writ Petition No.5111 of 2019 (*Krushna Sudhakar Gathe vs. The Vice-Chairman/Member Secretary, Schedule Tribe Caste Certificate Committee, Amravati*). The validity certificates have also been issued to various blood relatives in the family.

In the light of such adjudication by this Court, which has not been stated to be further challenged, the petitioners would be entitled to similar relief in view of judgment of this Court in *Apoova Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee and others* [2010 (6) Mh.L.J. 401].

Hence for reasons assigned in Writ Petition Nos. 5110 of 2019 and 5111 of 2019 decided on 25th July, 2019, the order passed by the Scrutiny Committee is set aside. It is declared that the petitioners belong to 'Thakur' Scheduled Tribe. The Scrutiny Committee shall within a period of four weeks of receiving the copy of this judgment issue validity certificates to the petitioners.

In the meanwhile the petitioner in Writ Petition No.4140 of 2022 is free to rely upon the copy of this judgment while pursuing his education till validity certificate is issued to him.

The writ petitions are allowed in aforesaid terms. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)