

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

WRIT PETITION NO. 1417 OF 2016

Mayur S/o Sanjay Salunke,
Age : 19 years, Occu. : Student,
R/o 6A, Shinu Bunglows,
bhikamchand Jain Nagar,
Near SMIT College, Jalgaon,
Tal. & Dist. Jalgaon – 425001. .. Petitioner

Versus

1. The Joint Commissioner,
Vice President, Scheduled Tribe
Certificate Scrutiny Committee,
Nandurbar, Dist. Nandurbar.
2. The Director of Technical Education,
Mumbai.
3. The Principal,
M.I.T. College of Engineering,
Pune, 38. .. Respondents

Shri A. S. Golegaonkar, Advocate h/f Shri P. R. Katneshwarkar,
Advocate for the Petitioner.

Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 and 2.

Shri A. V. Hon, Advocate for the Respondent No. 3.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.**

DATE : 30 AUGUST 2023.

ORAL JUDGMENT :-

. Heard the learned advocate for the petitioner and the
learned Assistant Government Pleader.

2. Rule. Rule is made returnable forthwith. The learned A. G. P. waives service. At the joint request matter is heard finally at the admission stage.

3. The petitioner is challenging order 29 October 2015 passed by the respondent No. 1/Scrutiny Committee confiscating and cancelling his tribe certificate of 'Thakur' (Scheduled Tribe) by resorting to Section 07 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.

4. During the course of hearing, it transpires that the petitioner's father possess a certificate of validity which is absolute. It was initially issued conditional on the decision to be taken by the Supreme Court in the matter of one Sunil Murlidhar Thakur. When petitioner's father approached this Court in Writ Petition No. 6095 of 2004, by order dated 13 April 2005, the matter was remanded back to the Committee for taking decision afresh after observing that the condition was not sustainable. Pursuant thereto the Committee issued a certificate of validity to the petitioner's father.

5. Relying on that certificate of validity of petitioner's father, even petitioner's aunt Sandhya Bhanudas Thakur has been

granted an absolute validity pursuant to the order of this Court in Writ Petition No. 6626 of 2017 dated 13 March 2023.

6. In the light of above, for the self same reasons which had weighted with this Court, while considering Writ Petition No. 6626 of 2017, we allow this writ petition. The impugned judgment and order is quashed and set aside. The Committee shall issue certificate of validity to the petitioner as belonging to 'Thakur' (Scheduled Tribe) within a period of one (01) week from today. Rule is made absolute in above terms.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23