



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

WRIT PETITION NO.1609 OF 2007

Navneet s/o Subhash Thakur

Age: 20 years, Occu: Student,

R/o: Plot No.20-B, Walwadi Shivar,

Saint Kabir Nagar, Deopur, Dhule,

District Dhule

... Petitioner

Versus

1. The State of Maharashtra

Through its Secretary,

Tribal Development Department,

Mantralaya Mumbai - 32

2. The Committee for Scrutiny and

Verification of Tribe Claims,

Through its Dy. Director (Research),

Nasik, Divisional Nasik.

3. The Sub Divisional Officer,

Dhule, Division Dhule,

District Dhule

4. The Collector

Collector Office, Dhule

... Respondents

...

Mr. D. B. Shinde, Advocate for the Petitioner

Mr. S. V. Hange, AGP for the Respondents/State

...

**CORAM : MANGESH S. PATIL &
NEERAJ P. DHOTE, JJ.**

DATE : 04.12.2023

PER COURT :

- . The writ petition has been admitted on 16/03/2007.
2. Rule. Rule is made returnable forthwith. We have heard both the sides.
3. The petitioner is challenging the order of respondent – Scrutiny Committee, whereby his certificate of ‘Thakur’ Scheduled Tribe has been confiscated and cancelled by the Scrutiny Committee in a proceeding under Section 7 of the Maharashtra Act No.XXIII of 2001.
4. After having heard both the sides, it transpires that admittedly, the petitioner’s father – Subhash has been granted certificate of validity in December – 2019. He has also tendered across the bar an affidavit of the father. It transpires that even the petitioner’s brother – Dinesh has also been issued certificate of validity based on the validity of father – Subhash. Both these validities have been issued during pendency of this petition and that in itself would be sufficient to recognize the petitioner as belonging to ‘Thakur’ Scheduled Tribe.
5. It appears that, as is being submitted by the learned Advocate for the petitioner, though the petitioner’s father – Subhash was not holding any validity when the impugned order was passed and was issued certificate of validity recently in the year 2019, prima facie, there seems to be an error in the impugned order which has proceeded with the observations as if father – Subhash was holding a certificate of validity and that was commented upon at internal page – 5 of the order.

6. Be that as it may, the petitioner's father and brother possess certificate of validity issued by the subsequent Committee.
7. That apart, even petitioner's cousin – Sonal Madan Thakur possesses a certificate of validity. She had also affirmed the affidavit to that effect which was tendered before the Committee that is still valid and has never been cancelled or revoked.
8. In view of such supervening events, we need not go into the other aspects of the impugned order.
9. The writ petition is allowed. The impugned order is quashed and set aside. The Committee shall issue certificate of validity to the petitioner of 'Thakur' Scheduled Tribe immediately.
9. Rule is made absolute in the above terms.

[NEERAJ P. DHOTE, J.]

[MANGESH S. PATIL, J.]