

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****Writ Petition No. 2212 / 2007****With****Civil Application No.2786 / 2010****in****Writ Petition No. 2212 / 2007**

Kum. Trupti d/o Ranjit Shiledar,
 Age Minor, Occu. Student,
 Through - (Natural guardian and father),
 Ranjit s/o Bakthwarsing Shiledar,
 Age : 48 years, Occ. Service,
 R/o. Hadgaon, Dist. Nanded,
 At/P R/o Opp. Police Station,
 Sindkheda Raja, Dist. Buldhana.

...Petitioner**Versus**

1. The State of Maharashtra,
 Through the Secretary
 Tribal Development Department,
 Mantralaya, Mumbai.
2. The Scheduled Tribe Caste Certificate
 Verification Committee, Aurangabad Division,
 Through its Director,
 Dist. Aurangabad.
3. The Taluka Executive Magistrate,
 Hadgaon, Dist. Nanded.
4. The Collector,
 Collectorate,
 Nanded.

...Respondents

- - -

Mr. A. S. Golegaonkar, Advocate for the Petitioner/Applicant.

Mr. A.A. Jagatkar, AGP for respondents/State.

- - -

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

DATE : 20 JULY 2023.

FINAL ORDER [PER : SHAILESH P. BRAHME, J.] :

. Heard both the sides for final disposal.

1. The petitioner is challenging the judgment and order dated 31.01.2007 passed by the respondent no.2/Scrutiny Committee, invaliding her claim of 'Thakur schedule tribe'. The petitioner relies upon validity certificates issued to her father Ranjit, her two brothers namely Shivkumar and Shaktikumar and a cousin. Besides that she relies upon the affidavits, genealogy, the school record of the relatives and the validity certificates.

2. The Scrutiny Committee invalidated the claim of the petitioner considering the school record, the affinity test and service book of father and relatives of the petitioner. The record which was produced before the Committee disclosed caste as 'Thakur'. There was no clinching evidence to show that the caste was 'Thakur scheduled tribe'. It was recorded that the petitioner is belonging to Thakur as a higher caste and not the 'Thakur scheduled tribe'.

3. The learned AGP would submit that the Scrutiny Committee arrived at a plausible conclusion. No fault can be found in the findings recorded by the Committee. The Scrutiny Committee rightly recorded that the affinity test was not supporting the petitioner.

4. Father of the petitioner and her two brothers were issued with

caste validity certificates. Her cousin was also issued with the caste validity certificate. The relationship of the petitioner with the validity holders is not disputed. There is cogent evidence on record to issue validity certificate in favour of the petitioner. The Scrutiny Committee did not record any specific reason for discarding the validity certificates.

5. We do not find any infirmity in the procedure adopted while issuing validity certificates to the close relatives. The cousin of the petitioner was issued with the validity certificate after intervention of the High Court. The petitioner is entitled to the caste validity certificate on the ground of parity and in view of the law laid down by the Supreme Court in the matter of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti vs. State of Maharashtra & others** reported in 2023(2) Mh.L.J.785.

6. The learned AGP would submit that the Scrutiny Committee did not properly verify old school and revenue record. Only by relying upon the validity certificate issued to her father, the principles of parity cannot be invoked. He would further submit that there is discrepancy in the genealogy and affidavit of Vikram Vijaysingh Shiledar. The submission cannot be countenanced because the Scrutiny Committee did not deal with this aspect of the matter properly. The Scrutiny Committee has discretion to reopen the matters of the close relatives.

7. The impugned judgment and order passed by the Scrutiny Committee is arbitrary and unsustainable. We therefore, pass the following order.

ORDER

- (i) The judgment and order dated 31.01.2007 passed by the Scrutiny Committee is quashed and set aside.
- (ii) The Scrutiny Committee shall issue caste validity certificate of scheduled tribe 'Thakur' in favour of the petitioner immediately.
- (iii) The Writ Petition with Civil Application is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]