

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

**902 WRIT PETITION NO.3117 OF 2015  
WITH CA/10141/2022**

**PRAVIN DATTATRAYA THAKUR  
VERSUS  
STATE OF MAHARASHTRA AND OTHERS**

...  
Advocate for Petitioner : Mr. Yeramwar Sushant C.  
AGP for Respondents/State : Mr. P.S. Patil  
Advocate for R/3 : Mr. S.V. Adwant  
...

**CORAM : RAVINDRA V. GHUGE &  
Y.G. KHOBRAGADE, JJ.  
DATE : 27<sup>th</sup> October, 2023**

**PC. :-**

1. This petition was filed by the aggrieved person whose claim of belonging to the Thakur Scheduled Tribe category was rejected by the competent committee vide judgment dated 10.02.2015. During the pendency of this petition, the Petitioner passed away. The LRs are before the Court.

2. The Petitioner was the biological brother of Sunil. Both these siblings were sons of Dattatraya Baburao. Two daughters of Sunil namely Shachi and Rashmi have been granted validity certificates by this Court vide the judgment dated 04.08.2023 delivered in Writ Petition Nos.14558/2021 and 8669/2019. Vide the said judgment, the Coordinate Bench of this Court has recorded in paragraph 2 to 9 as under:

*“2. Both the petitioners are real sisters inter se. Their caste certificates for Thakur (Scheduled Tribe) are invalidated by distinct orders passed by the Scrutiny Committee, which is the subject matter of the petitions. As there is common record, petitions are decided together.*

*3. The petitioners are relying upon the validity certificates of Vaishali Chhannu, old record of Baburao Raoji, Dattatraya Baburao and Sunil Dattatraya and other documentary evidence. According to them the Scrutiny Committee has committed perversity in rejecting the claims considering the judgment of the Supreme Court in the matter of Maharashtra Adivasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others, 2023(2) Mh.L.J. 785.*

*4. The learned Assistant Government Pleader supports the impugned judgment and order. He submits that the Scrutiny Committee has rightly rejected the caste claims of the petitioners considering the school record which was incompatible with the claims. The Committee is justified in discarding the validity certificates. The affinity test is also recorded against the petitioners.*

*5. The learned A. G. P. has produced on record original files of both the petitioners. The coloured photo copies of school entries of Dattatraya and the orders passed by the Committee are shown to us. It is further informed that the Scrutiny Committee has decided to reopen the matter of validity holder.*

*6. The petitioners are relying upon validity certificate of Vaishali, who is paternal side close relatives of the petitioners. The learned A. G. P. is unable to point out any circumstance for discarding the validity certificate. Her validity was secured by following due procedure of law and by reasoned order. We are of the considered view that the validity certificate is reliable. We have also noticed old documents of Baburao Dattatraya and Sunil. The school record of Baburao and Dattatraya are of pre-independence period. They have greater probative value. Those should have been relied and accepted by the scrutiny committee. We hold that the Scrutiny Committee has committed patent illegality in rejecting the claims of the petitioners.*

7. *It is seen from the original record that colour photo copy of school record of Dattatraya bearing entry No. 43 shows caste Thakur. Equally there is contrary entry of Dattatraya showing caste as Brahma Bhat. There are corroborative entries on record to support the claim of the petitioners. Few contrary entries cannot impress us to deprive the petitioners from the validity certificates.*

8. *The Scrutiny Committee has already undertaken to conduct reverification. It has power to consider objectionable material. However, till the validity certificate of Vaishali is revoked, the petitioners cannot be denied the equal social status.*

9. *We hold that the impugned judgments and orders are unsustainable in law. We dispose of the writ petitions by passing following order.”*

3. Chhannu s/o Baburao who is the biological brother of Dattatraya Baburao (father of the deceased Petitioner) has a daughter namely Vaishali who has also been granted a validity certificate by the committee.

4. The learned AGP has strenuously opposed this petition contending that the law laid down in **Maharashtra Adivasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others, 2023(2) Mh.L.J. 785**, would apply to this case and needs to be considered. There can be no debate that the law laid down by the Hon'ble Supreme court is binding in the relevant facts of the case. This judgment (supra) was considered by the Coordinate Bench while deciding the cases of Shachi and Rashmi. Once the High Court has dealt with two cases of the biological daughters of Sunil who is the biological brother of Pravin, we do not find that we need to look any further. The law laid down in

**Apporva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others; 2010 (6) Mh. L.J. 401**, would squarely apply to this case.

5. The learned AGP points out that the judgment delivered by the Coordinate Bench in the case of Shachi and Rashmi (supra) sets out a clause by which the validities are subject to the decision of the scrutiny committee in reopened cases. In **Shweta Balaji Isankar vs. The State of Maharashtra and others** (Writ Petition No.5611/2018) decided on 27.07.2018, this Court in paragraph 3 and 4 held as under:

*“3. On such a finding being rendered by the Committee, we called upon the learned AGP on the earlier two occasions to produce the record. We also indicated to the learned AGP as to how the certificate of validity is denied to the petitioner though she has established her relationship with the said Govind and only on the ground that a show cause notice has been issued, but no proceedings in furtherance thereof came to be initiated till date. The learned AGP sought time to file an affidavit. Now, the Joint Commissioner, Schedule Tribe Scrutiny Committee, Aurangabad has filed an affidavit in reply. That is taken on record. The said affidavit admits that the certificate of validity has been issued to her real uncle and cousin uncle of the petitioner. The affidavit admits that the petitioner relies heavily on these two documents, but clarifies that there is a suppression detected from the original record of the certificate holder and that is how a show cause notice has been issued to Govind. The show cause notice could not be taken to its logical end on account of the huge pendency of cases before this Committee. In all, 7,000 matters were pending on the date when this Joint Commissioner took charge and he has reduced the pendency by 2500 cases being decided. In the circumstances, he says that appropriate orders and directions be issued by this Court.*

*4. We are not impressed by this explanation and the justification not to proceed against a person who has perpetrated a fraud on the public. If it is a serious allegation and which is termed as fraud, then, it*

*should have been taken to its logical end. Mere issuance of a show cause notice in the present case would not suffice for There are two certificates of validity relied upon. The only reason assigned in the impugned order to discard them, cannot be sustained. The justification in the above affidavit is also not enough to straightaway discard the certificates of validity issued in the family. It is conceded that other reasons assigned in the impugned order cannot be supported in law.”*

6. In view of the above, **this petition is partly allowed.** The impugned order dated 10.02.2015 stands quashed and set aside. We direct the committee to posthumously issue a validity certificate in favor of the deceased Pravin s/o Dattatraya within 30 days. Consequentially, the service benefits available to the LRs of the deceased Pravin would be payable and the same shall be paid within a period of 60 days.

7. Needless to state, if any of the validity holders who are a foundation to the claim of the deceased Petitioner before us, suffer invalidation on account of the reopening of their cases by the competent committee, the consequences suffered by the said candidates would also be attracted only to the extent of the validity certificate being granted to the deceased. We leave it to the LRs to deal with the said situation if it so occurs. Pending Civil Application, if any, also stands disposed off.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]