

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

953 WRIT PETITION NO. 5185 OF 2022

NIKHIL VILAS THAKUR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Harshal P. Randhir
h/f. Mr. Purway Pankaj. D.
Addl. GP for Respondents : Mr. S.B. Yawalkar
...

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

DATE : 30 AUGUST 2023

PER COURT (PER : SHAILESH P. BRAHME, J) :

Heard both sides.

2. Being aggrieved by the judgment and order dated 17.02.2022, passed by the Scrutiny Committee invalidating the tribe certificate, the petitioner is before us.

3. The petitioner is relying upon the validity certificate issued to her father Vilas in pursuance of orders of High Court passed in Writ Petition No. 4467 of 2015.

4. Learned AGP supports impugned judgment and order. According to him, the Scrutiny Committee rightly rejected the caste claim considering incompatible school record. The validity certificates

are not reliable. The Scrutiny Committee has decided to reopen the matters of validity holders.

5. The petitioner has placed on record clinching piece of evidence in the form of judgment dated 25.11.2016, passed by High Court at Principal Seat in Writ Petition No. 4467 of 2015 in the matter of father of the petitioner. His father's tribe certificate was invalidated by the Scrutiny Committee which was subjected in the Writ Petition. We have carefully gone through the text of the order. It reveals that on the basis of the identical record which we are considering the petition was allowed. The Committee was directed to issue validity certificate without incorporating any condition. We also propose to adopt the same course.

6. The Scrutiny Committee has committed grave error of jurisdiction by taking contrary view based upon self same record which was scrutinized in his father's claim. In that view of the matter, we find that the impugned judgment and order is unsustainable.

7. For the reasons recorded above, we dispose of this Writ Petition by passing following order :

ORDER

- i. The Writ Petition is allowed.
- ii. The impugned judgment and order dated 17.02.2022, passed by the Scrutiny Committee, is quashed and set aside.

iii. The Scrutiny Committee shall issue tribe validity certificate to the petitioner, forthwith.

iv. Accordingly, the Writ Petition is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

spc/