

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

WRIT PETITION NO. 5000 OF 2022

1. PRAJAKTA ARUN THAKUR

2. AKSHAY ARUN THAKUR

VERSUS

STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Phatale Sagar S.

AGP for Respondents : Mr. S.G. Sangale

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

DATED : 22 AUGUST, 2023

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

1. Heard both the sides finally.
2. The petitioners are denied social status of 'Thakur' scheduled tribe as a result of judgment and order dated 13.08.2018, passed by the Scrutiny Committee invalidating their tribe certificates. They have relied upon the validity certificates issued to Kavita, Pramodkumar, Priyanka, Ashok, Yogeshkumar, Shital, etc. They have placed on record the orders passed by High Court and Supreme Court in matters of Kavita and Pramodkumar. The compilation is taken on record and marked as exhibit 'X'.
3. Learned AGP would support the impugned judgment and

order. According to him, the Scrutiny Committee has not committed any illegality inviting interference.

4. The genealogy is placed on record at page no. 72. The relationship of the petitioners with the validity holders is not disputed. It is seen that there are number of paternal side blood relatives having validity certificates.

5. The documents produced on record at exhibit 'X' demonstrates that there is unimpeachable evidence to corroborate the caste claim of the petitioner. Kavita Baliram Wagh was issued with validity certificate in pursuance of judgment dated 24.02.2010, in Writ Petition No. 7271 of 2009. The State had challenged the same before High Court which ended into dismissal on 18.11.2011. Similar is the case with another validity holder Pramodkumar. Orders passed by the High Court on 23.04.2015, were upheld by the Supreme Court on 21.09.2015. In wake of these orders, we have no hesitation in directing to issue validity certificates to the petitioners without incorporating any conditions.

6. For the reasons recorded above, we pass following order :

ORDER

- i. The Writ Petition is allowed.
- ii. The impugned judgment and order is quashed and set aside.
- iii. The Scrutiny Committee shall issue tribe validity certificate to the petitioner as belonging to 'Thakur' scheduled tribe, forthwith.
- iv. The certificate of validity shall be issued strictly in the prescribed format.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)