

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

952 WRIT PETITION NO.6234 OF 2023

Atharv s/o Gajanan Chavan
Age - 17 years (Minor), Occ.
Student, U/g. Of mother, viz.
Meena w/o Gajanan Chavan,
Age - 46 years, Occ. Service,
R/o House Noo. 649, CIDCO, N-5,
Arunoday Colony, Aurangabad,
Tq. and Dist. Aurangabad ... **Petitioner**

Versus

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai - 32.
Through its Secretary.
2. The Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad Division, Aurangabad,
Tq. & Dist. Aurangabad.
Through its Member Secretary. ... **Respondents**

...

Advocate for Petitioner : Mr. Yeramwar Sushant C.
Addl.GP for Respondent-State : Mrs. M. A. Deshpande

...

**CORAM : MANGESH S. PATIL &
S. G. CHAPALGAONKAR, JJ.**

DATE : 13 JUNE 2023

ORAL JUDGMENT :-

01. Rule. The learned AGP waives notice for respondent Nos.1 and 2. Rule is made returnable forthwith. Heard finally with consent of the parties.

02. The petitioner claims to be belonging to 'Thakur' Scheduled Tribe. He has submitted an online proposal with the respondent No. 2 -Scrutiny Committee at Aurangabad and according to the learned Advocate, despite the petitioner along with his mother having visited the office of respondent No.2, it refused to entertain his proposal on the ground of migration.

03. Without indulging in any further discussion, suffice for the purpose to observe that the real brother of the petitioner by name Chinmay Gajanan Chavan was before this Court in Writ Petition No. 202/2020. Even in that matter, it was the same respondent No.2 - Scrutiny Committee. By the judgment and order dated 29.03.2022 after detail scrutiny and on merits, this Court issued following directions :

- “(i) Writ petition is allowed in terms of prayer clauses ‘A’ and ‘B’ .*
- (ii) The Respondent No. 2 Scrutiny Committee is hereby directed to issue Caste Validity Certificate in favour of the petitioner as “Thakur” Scheduled Tribe by 11.00 a.m. tomorrow.*
- (iii) Rule is made absolute in above terms.*
- (iv) Writ Petition accordingly stands disposed of.*
- (v) Learned AGP to convey the order for information and compliance.*
- (vi) Parties to act on an authenticated copy of this Judgment”.*

Since the issue regarding migration as well as entitlement to have a validity certificate by Chinmay Gajanan Chavan has been considered by this Court on merits, even the petitioner would be entitled to get his claim scrutinized by the respondent No.2 -Scrutiny Committee.

04. The petition is allowed in following terms :

The respondent No. 2 – Scrutiny Committee shall accept the proposal of the petitioner for Tribe Validation and decide the same as expeditiously as possible and in any event within two weeks from

today, in view of the decision of this Court in the case of his brother Chinmay Gajanan Chavan.

5. Rule is made absolute in the abovesaid terms.

(S.G.CHAPALGAONKAR)
JUDGE

(MANGESH S. PATIL)
JUDGE

shp/-