

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

WRIT PETITION NO.1143 OF 2008

Shirish Laxman Suryawanshi,
Age : 32 years, Occupation : Education,
R/o H.No.498, Laxminarayan Nagar,
Gondhawani Road, PO Shrirampur,
Dist.Ahmednagar.

...PETITIONER

-VERSUS-

1. The State of Maharashtra.
Through the Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Scheduled Tribe Caste
Certificate Verification Committee.
Through it's Chairman/ Director,
Nasik Division, Nasik.
3. The Executive Magistrate,
Tahsil Office, Ahmednagar.

...RESPONDENTS

...
Advocate for the Petitioner : Shri Madhur A. Golegaonkar i/by
Shri A.S. Golegaonkar
AGP for the Respondents/State : Shri S.G. Karlekar
...

**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 27th April, 2023

ORAL JUDGMENT (Per Ravindra V. Ghuge, J.):-

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The Petitioner is aggrieved by the order of the Scrutiny Committee dated 05.05.2007 by which, his claim of belonging to “Thakur”, Scheduled Tribe category, has been invalidated.

3. Having considered the strenuous submissions of the learned Advocate for the Petitioner and the learned AGP, we have perused the petition paper book and four original affidavits, all dated 08.04.2023, filed by Shubham Shirish Suryawanshi (marked as X-1), Rekha Laxman Suryawanshi (marked as X-2), Rahul Ananda Suryawanshi (marked as X-3) and Chetan Sitaram Suryawanshi (marked as X-4).

4. Though the learned AGP has strenuously defended the impugned order and submits that this petition does not deserve to be entertained, we find that this Court, at the Principal Seat, has delivered an extensive judgment dated 08.01.2021 in Writ Petition No.3061/2020 filed by ***Shubham Shirish Suryawanshi vs. State of Maharashtra and others***, vide which, this Court has quashed the order of invalidation dated 05.07.2019

in the case of Shubham and has granted the “Thakur”, Scheduled Tribe validity certificate to Shubham. He is the son of the present Petitioner (Shirish).

5. The Petitioner (Shirish) had one biological brother Sitaram Laxman and one biological sister Rekha Laxman. Rekha (X-2) has been granted the validity certificate by the Committee. The son of Sitaram, namely, Chetan (X-4) has been granted the validity certificate by the Committee.

6. The present Petitioner’s father, namely, Laxman, is born to Gajmal. Gajmal had two biological brothers, namely, Uttam and Pundalik. From the branch of Uttam, Rahul (X-3) son of Ananda and grandson of Uttam, has been granted the validity certificate by the Committee. The son of Rahul, namely, Rutvik is also granted the validity certificate by the Committee. From the branch of Pundalik, Vijay son of Subhash who is the son of Pundalik, has been granted the validity certificate by the Committee. In all, there are six validity holders amongst the closest blood relatives of the Petitioner.

7. In view of the above, we find that the entire contentions of the Committee have been answered by this Court in the judgment dated 08.01.2021 in the case of Shubham

(supra). The law laid down by this Court in *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur, [2010(6) Mh.L.J.401 : AIR 2010(6) Bom.R.21]*, would be applicable to the present case.

8. As such, **this Writ Petition is allowed**. The impugned order dated 05.05.2007 is quashed and set aside and the Scrutiny Committee is directed to grant the “Thakur”, Scheduled Tribe validity certificate to the Petitioner within 30 (thirty) days from today.

9. Needless to state, in the event of any validity holder’s case being reopened and if the Committee sets aside the validity already granted, the present Petitioner or any of the validity holders who have relied upon such validity, would suffer the same consequences.

10. Rule is made absolute in the above terms.

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(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)