

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

WRIT PETITION NO. 8511 OF 2023

NIKHIL PRATAPSINGH THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....
Advocate for Petitioners : Mr. Madhur A. Golegaonkar
AGP for Respondent Nos. 1 to 4 : Mr. S.G. Sangle

....

WITH
WRIT PETITION NO. 9933 OF 2023

BHAVIKA PRATAPSINGH THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....
Advocate for Petitioners : Mr. Madhur A. Golegaonkar
AGP for Respondent Nos. 1 to 3 : Mr. S.G. Sangle

....

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

DATED : 08 AUGUST, 2023

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

1. Heard both the sides finally at the admission stage considering urgency in the matter.

2. The petitioners are siblings of Pratapsingh Indrasingh Thakur. Their caste validity certificate for 'Thakur' scheduled tribe was invalidated by common judgment and order dated 28.04.2023. Being aggrieved, these two petitions are filed. There is a common record. Therefore, both the petitions are decided by this order.

3. The petitioners are relying upon the caste validity certificate issued to paternal side relative Ravindra Sahebsingh Thakur, and the documentary evidence comprising of old record.

4. Learned AGP would support impugned judgment and order. According to him, the Scrutiny Committee has rightly discarded the school record which was incompatible with the claim. The validity certificate was not reliable. It is submitted that this is not a fit case to allow the claim of the petitioners.

5. The genealogy is produced on record which is at exhibit 'I'. The caste claim of Ravindra Sahebsingh Thakur was invalidated by the Scrutiny Committee. Being aggrieved, he had filed Appeal No. 03/1983, which was allowed on 11.04.1983. Thereafter, the validity certificate was issued to Ravindra. It is reliable one and it would enure to the benefits of the petitioners. The reasons assigned by the Committee to discard the validity certificate is perverse and unsustainable.

6. We have also noticed entries of pre-independence record of Somsingh Daulatsingh, Sahebsingh Daulatsingh, Sardarsingh Narayansingh. The old record indicating caste as a 'Thakur' is reliable in view of judgment of the Supreme Court in the matter of *Anand*

Versus Committee of Scrutiny and Verification of Tribe Claims and others, reported in **(2012) 1 SCC 113**. We do not approve the reasons assigned by the Scrutiny Committee to discard the documentary evidence.

7. Our attention is invited to reply filed by the petitioners to the vigilance report. There is a reasonable explanation tendered for contrary evidence which is not taken into account by the Committee. The petitioners have disowned any nexus with Kalusingh Narayansingh, Devisingh Narayansingh, Udaysingh Narayansingh.

8. Our attention is invited to the order dated dated 02.08.2019, passed by High Court in Writ Petition No. 8833 of 2019, in the matter of Tanushree Sanjay Thakur and another Versus Director of Medical Education and others. The caste claim of the petitioner therein was allowed after considering the record of the persons which is confronted in the present matter also. The decision lends support to the petitioner.

9. We are of the view that the Scrutiny Committee committed perversity. For the reasons stated above, we pass following order :

ORDER

- i. The writ petitions are partly allowed.
- ii. The impugned order dated 28.04.2023, passed by the respondent No. 2/Committee is quashed and set aside. The Scrutiny Committee shall issue tribe validity certificates to the petitioners as belonging to 'Thakur' (Scheduled Tribe) by tomorrow.
- iii. The certificates of validity shall be issued in the prescribed format without incorporating any other conditions.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)