

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1012 WRIT PETITION NO.12252 OF 2018

AASHISH KESHAV CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Petitioner : Mr. Bayas Anandsingh
AGP for Respondents No.1 and 2: Mr. P. S. Patil
...

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

DATE : 05.07.2023.

PER COURT :

The petitioner is seeking validation of his Tribe Claim as 'Thakur', which has been turned down by the respondent Scrutiny Committee by the impugned order. We have heard both the sides finally and perused the original record.

2. The submissions have been made by both the sides touching the merits and the reasoning assigned by the Scrutiny Committee in the impugned order. The learned AGP has also referred to the decision in the matter of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors., 2023 SCC OnLine SC 326, to bring home the point that it would always be open for the Scrutiny Committee first to apply the mind to the documents produced in

support of the claim and then seek a vigilance report. He also submits that the Scrutiny Committee has made up a mind to issue notices to the validity holders being relied upon by the petitioner and an appropriate decision would be taken in due course of time. The notices have also been issued to each of them in the year 2018.

3. We, at the outset, make it explicitly clear that whether the respondent Scrutiny Committee is entitled to reopen the cases of validity holders is a matter which we may not be indulging into. In this matter we need not ascertain if it is entitled to do so in law.

4. We are only anxious about the fact that in spite of the validity certificates having been granted to not only the father of the petitioner but his real paternal uncle and even a cousin paternal uncle, whether the petitioner should be deprived of the deriving the benefit of the social status merely because the Committee now entertains a doubt about sustainability of the validity certificates for variety of reasons.

5. Conspicuously, the Committee has traded on the long journey to refer to the precedents to demonstrate as to how it is not bound by the validity certificates granted to the blood relations and can embark upon an independent scrutiny having found that there are circumstances which enables it legally to do so. However, there is

absolutely no whisper in the entire order as to why and for what reason the validity certificates granted to the petitioner's father and two uncles are prima facie suffering from the vice of fraud. The Committee apparently knows the law but has not adverted itself to the facts.

6. Be that as it may, this Court has been consistently taking a view which according to us appeals to the reason and logic. Once there is a validity certificate granted to the blood relation from the paternal side, so long as it is not revoked, each of the blood relations would be entitled to have the validity certificates subject to the decision to be taken by the Scrutiny Committee in the matters which it intends to reopen. Admittedly that stage is yet to be reached in the matter in hand.

7. Pertinently, even in the matter of Maharashtra Adivasi Thakur Jamat Seva Mandal (Supta) in paragraph Nos.22 to 24, instances of this kind have been considered where the blood relations are armed with validity certificates. It has been held that if there is no dispute regarding blood relation benefit of such validity will have to be extended.

8. The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent Committee shall now issue

validity certificate to the petitioner as early as possible, and in any case, before 07/07/2023 which shall be subject to the outcome of the decision to be taken in respect of the matters which Scrutiny Committee has decided to reopen.

9. The petitioner and his father as well as uncles shall co-operate the Committee in early decision of the matters which it has reopened. Any delay on their part may compel this Court to cancel the validity.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

vjg/-