

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

948 WRIT PETITION NO. 9451 OF 2023

NEHA BHAGWAN THAKUR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioners : Mr. Shinde Digambar B.
AGP for Respondents : Mr. A.S. Shinde
...

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

DATE : 02 AUGUST 2023

PER COURT :

Heard both the sides.

2. The petitioners are challenging the order passed by the respondent no. 2 – Competent Authority, refusing to issue them tribe certificates of 'Thakur' scheduled tribe. Even their Appeal has been dismissed by the Scrutiny Committee, by the impugned order.

3. We are emboldened to say that the Competent Authority as well as the Scrutiny Committee are incompetent to discharge the official function. When the statute expects them to discharge quasi judicial powers, the approach is wholly objectionable.

4. Admittedly, the petitioners' father and paternal uncle are possessing tribe certificates. There was no reason for the Competent Authority and the Scrutiny Committee to over look the certificates which were issued on 26 February 2001. Surprisingly, the Committee has

refused to accept that as a proof / *prima facie* evidence on the ground that those certificates have still not been got validated in spite of lapse of twenty years. The approach is clearly illegal. Even if the petitioner is granted the tribe certificate it would still be subject to a similar validation.

5. In our considered view, such a reasoning is completely illogical and unsustainable. We quash and set aside both the orders and direct the respondent no. 2 to issue tribe certificates to the petitioners within one week.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

spc/