

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

WRIT PETITION NO. 9357 OF 2023

1. PRATHAMESH PRAVIN SHINDE

2. CHAITANYA PRAVIN SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Yeramwar Sushant C.
AGP for Respondent Nos. 1 & 2 : Mr. S.B. Yawalkar

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

DATED : 22 AUGUST, 2023

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

1. Heard learned counsel for the respective parties. The matter is taken up for final hearing considering it as a student's matter.

2. The petitioners are the siblings of Pravin Subhash Shinde. They were issued with tribe certificates of 'Thakar' scheduled tribe. By judgment and order dated 19.07.2023, tribe certificates were invalidated by the Scrutiny Committee which is a cause for them to prefer this Writ Petition.

3. Th petitioners are relying on validity certificates issued to their real uncles Pradeep and Promod. According to them the old

record produced before the Scrutiny Committee would also enure to their benefit.

4. Learned AGP supports impugned judgment and order. According to him the Scrutiny Committee is justified in rejecting the caste claim of the petitioners considering the school record of Vaijnath Raghunath and Subhash. The Scrutiny Committee rightly discarded the validity certificates. The old record which is sought to be produced to support the caste claim is of no relevance.

5. Learned AGP has informed that the Scrutiny Committee has proposed re-verification of the validity certificates of the relative of the petitioners. In order to support the submissions he has produced on record the original papers of the validity holder Pradeep. He has drawn our attention to the genealogy produced in the matter of Pradeep and the order of validity of Pradeep.

6. It reveals from the record that Pradeep and Pramod are the real uncles of the petitioner. It further reveals from the original papers of the Pradeep that due vigilance enquiry was conducted followed by the reasoned order. The relevant record was taken into account. The

learned counsel for the petitioners has drawn our attention to the old record of Subhash Rangnath Thakar and Krushana Thakar produced before the Scrutiny Committee. The translation of Modi script of the birth extract of Krushna is at page no. 60 indicating caste as 'Thakar'. The said record has a greater probative value. In view of law laid down in case of Anand Versus The Committee for Scrutiny, the entry would enure to the benefit of the petitioners.

7. Learned counsel for the petitioners has also pointed out that the persons in respect of whom the contrary entries are imputed are not the relatives of the petitioners. No endeavour is made by the learned AGP to show that those are the relatives of the petitioners. We find that the Scrutiny Committee committed illegality in rejecting the caste claim. The photocopy of old record of Subhash Rangnath Thakar and Krushna Thakar, are before us, which we find convincing.

8. The Scrutiny Committee committed perversity in rejecting the caste claim. The Scrutiny Committee has proposed re-verification. The objections of the learned AGP can be taken into account during re-verification. Unless and until the validity certificates are revoked, the petitioners cannot be deprived of validity certificates. We find that the

petitioners are entitled to validity certificates conditionally. We, therefore, pass following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned judgment and order is quashed and set aside.
- iii. The Scrutiny Committee shall forthwith issue tribe validity certificates to the petitioners as belonging to 'Thakar' scheduled tribe, on a condition that the validity certificates shall be subject to final outcome of the re-verification undertaken by the Scrutiny Committee.
- iv. The certificates of validity shall be issued strictly in the prescribed format without incorporating other conditions /additions.
- v. The petitioners shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)