

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

WRIT PETITION NO. 9600 OF 2023

Ram Shivaji Chavan

...Petitioner

Versus

The Scheduled Tribe Certificate
Verification Committee, Aurangabad,
near to CIDCO Bus Stand, Town Center,
Aurangabad Dist. Aurangabad.
Through its Member Secretary.

...Respondent

WITH

CIVIL APPLICATION NO.10052 OF 2023

IN

WRIT PETITION NO. 9600 OF 2023

Organization for the Rights of the Tribals
Branch at Aurangabad.

... Applicant

Versus

1. Ram Shivaji Chavan

2. The State of Maharashtra,
Through its Secretary

... Respondents

...

Advocate for Petitioner : Mr. Phatale Sagar S.

AGP for Respondents/State : Mr. A. S.Shinde

Advocate for the Intervenor in CA No.10052/2023 : Mr. S.T. Salunke h/f
S.N. Lale Yelwatkar

...

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

DATE : 11 AUGUST 2023

ORDER (Shailesh P. Brahme, J.) :

. Heard both the sides. Considering the urgency, the matter is taken up for final hearing.

2. The petitioner is challenging the judgment and order dated 01.02.2023 passed by the respondent no.2/Scrutiny Committee, invalidating his caste claim of Thakur scheduled tribe. The petitioner is relying upon the validity certificate of Kalpana Baburao Chavan, paternal side aunt of the petitioner as well as old record of Sitaram Babu Thakur, Indubai Kisanrao Chavan and Babu Sitaram Chavan.

3. The learned AGP would submit that the caste claim was rightly rejected by the Scrutiny Committee. There were contrary entries and validity certificates were not reliable. It is not a fit case to cause interference in the impugned judgment.

4. The learned AGP has produced on record original file of validity holder Kalpana Baburao Chavan. There was vigilance enquiry conducted in the matter. The school record of blood relatives was taken into consideration. By a reasoned order, the validity certificate was issued to Kalpana Baburao Chavan. We have noted that the old record of 1954 of Baburao Thakur was taken into account. It bears strong probative value. We find that the validity certificate of Kalpana was issued after following due procedure of law. It would enure to the benefit of the petitioner as per the law laid down by the Supreme Court

in the matter of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti vs. State of Maharashtra & others** reported in 2023(2) Mh.L.J.785.

5. The submissions of the learned AGP that the affinity test is against the petitioner and there is pre-constitutional contrary entry cannot be examined in the present proceeding. The successive committee has no jurisdiction to re-appreciate the same material upon which the blood relative was issued a validity certificate on earlier occasion. In that view of the matter, the Scrutiny Committee has committed error of jurisdiction. The judgment and order is liable to be quashed. We, therefore, dispose of the writ petition by passing following order.

ORDER

- 1) The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent-committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Thakur' scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.
- 2) The petitioner shall not be entitled to claim equities.
- 3) Civil Application No.10052/2023 is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]