

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 10195 / 2023

Kum. Radhika d/o Mahendra Thakur

...Petitioner

Versus

1. The State of Maharashtra,
Through Principal Secretary
Tribal Development Department,
Mantralaya, Mumbai.
2. Scheduled Tribe Certificate
Scrutiny Committee, Kinwat,
Headquarter Aurangabad,
through its Member Secretary.

...Respondents

Mr. Sagar S. Phatale, Advocate for the Petitioner.

Mr. S.G. Sangale, AGP for respondents/State.

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

DATE : 21 AUGUST 2023.

FINAL ORDER [SHAILESH P. BRAHME, J.] :

. Heard both the sides finally.

1. The petitioner is challenging the judgment and order dated 08.08.2023 passed by the respondent no.2/Scrutiny Committee, invalidating her claim as belonging to Thakur scheduled tribe. She is relying upon the number of validity holders in the family, vigilance report in case of her father, old entries of 1926.

2. The learned AGP submits that the Scrutiny Committee has rightly rejected the caste claim in view of contrary entries and

tampering of the record. The Committee has rightly exercised the jurisdiction in discarding the validity certificate. It is submitted that the Scrutiny Committee has issued notices for conducting re-verification. The original papers of the petitioner and first validity holder, Ramdas are placed on record.

3. We have considered submissions advanced by both the sides. The genealogy reveals that the petitioner is relying upon the validity certificate issued to her father and grandfather. Her grandfather was issued with validity certificate by a reasoned order followed by vigilance report. The original file reveals that the relevant record was considered by the Committee including the school record of 1926 of Vishwanath Thakur. The father of the petitioner was also issued with validity certificate by the reasoned order. We do not find any impediment for relying upon the validity certificate. The finding recorded by the Committee for discarding the validity certificates are unsustainable.

4. It reveals from the record that the school record having greater probative value was verified during the course of vigilance enquiry. It was properly relied upon in the matters of earlier validity holders. The Scrutiny Committee ought to have issued validity certificate to the petitioner subject to certain conditions.

5. The objection of the learned AGP regarding contrary entries and tampering of record cannot be gone into at this stage of the proceeding. The petitioner has undertaken the risk of relying upon the validity certificates which would be subject to their verification.

6. We find that the impugned judgment and order is unsustainable. We, therefore, pass the following order.

ORDER

- (i) The writ petition is partly allowed.
- (ii) The impugned judgment and order dated 08.08.2023 passed by the Scrutiny Committee is quashed and set aside.
- (iii) The Scrutiny Committee shall issue tribe validity certificate of scheduled tribe 'Thakur' in favour of the petitioner forthwith which shall be subject to outcome of the re-verification and undertaken by the Scrutiny Committee.
- (iv) The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]