

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10986 OF 2023

Rahul s/o Chandrakant Thakur,
Age-37 years, Occu-Service,
R/o 37, Yugandhar Colony,
Walwadi Shivar, Near Stadium,
Deopur, Dhule, Tq. and Dist.Dhule

-- PETITIONER

VERSUS

1. The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai- 32,
Through it's Secretary
2. The Schedule Tribe Certificate
Scrutiny Committee, Dhule Division,
Dhule, Tq. and Dist. Dhule,
Through it's Member Secretary
3. The Deputy General Manager,
National Insurance Company Ltd.,
Pune Regional Office, PMT Building,
3rd floor, Shirole Bhawan, Deccan,
Pune, Tq. and Dist. Pune

-- RESPONDENTS

Mr.O.D.Totawad h/f Mr.S.C.Yeramwar, Advocate for the Petitioner.
Mr.V.M.Kagne, AGP for the Respondent/State.
Mr.A.B.Kadethankar, Advocate for Respondent No.3.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : SEPTEMBER 13, 2023

ORAL JUDGMENT : (Per Ravindra V. Ghuge, J.)

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The Petitioner has put forth prayer clause B, C and D as under :-

"B. To quash and set aside the impugned decision and order dated 19.06.2023 passed by the Respondent No.2 - Committee invalidating Tribe claim of the petitioner as belonging to 'Thakur - Scheduled Tribe' (Exhibit-O) by issuing appropriate writ, orders, or directions as the case may be ;

C. To hold and declare that Petitioner belongs to 'Thakur - Scheduled Tribe' and direct the Respondent No.2 - Committee to issue Certificate of Validity in favour of the Petitioner as belonging to 'Thakur - Schedule Tribe' by issuing appropriate writ, orders, or directions as the case may be ;

D. To direct the Respondent No.3 not to take any adverse action against the Petitioner on the basis of the impugned decision and order dated 19.06.2023 passed by the Respondent No.2 - Committee invalidating Tribe Claim of the Petitioner as belonging to 'Thakur - Scheduled Tribe' (Exhibit-O) subject to final outcome of the present Writ Petition by issuing appropriate writ, orders, or directions as the case may be;"

3. We have considered the submissions of the learned Advocates for the respective sides. The learned AGP has perused the entire record available and has opposed this Petition.

4. The Petitioners family tree from the paternal side is on record. His two biological brothers Manoj and Kiran, have been granted validity certificates by the High Court. Their father is Chandrakant. Jairaj and Shrikant are the biological brothers of Chandrakant. Dipak s/o Jairaj and Pankaj s/o Shrikant have been granted validity certificates by the High Court. The grandfather of the Petitioner is Rama. Rama had 3 biological brothers, one of them being Baburao. Baburao's son Bhalchandra has been granted validity certificate by the High Court. Baburao's grand daughter Kalyani d/o Manohar has been granted validity certificate by the High Court. The father of Rama and Baburao is Gaba, who is the biological brother of Ganpat. Ganpat's grand daughter Ranjana d/o Rambhau, has been granted validity certificate by the High Court. Ranjana's biological brother is Vijay, whose son Sanskar has been granted validity certificate by the High Court.

5. Besides these validity certificates granted by the High Courts, one son and 2 daughters of Sanjay, who is the son of Rambhau and grand son of Ganpat, also have validity certificates issued by the Committee. Sanjay's biological brother Vijay and his biological sister Pushpa also have validity certificates. The biological brother Dipak s/o Jairaj also has a validity certificate. Bhalchandra's one son Jitendra, his biological brother Pramod and Manohar (sons of Baburao), have validity certificates. In all there are 17 validity certificates in the family.

6. We have perused the judgment delivered by the Hon'ble Supreme Court on 24.03.2023 in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and Others, Civil Appeal No.2502/2022 (AIR 2023 SC 1657)**, more specifically paragraph nos.22, 23 and 24. In these circumstances, we have no reason to remit the matter back to the Committee. When biological brothers of the Petitioner have been granted validity certificates and 15 other family members are validity holders, this Petition deserves to be allowed.

7. In view of the above, **this Petition is allowed** in terms of

prayer clause B and C. The Committee would issue the validity certificate to the Petitioner within 30 days.

8. Rule is made absolute in the above terms.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)