

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1048 WRIT PETITION NO.1547 OF 2020

AKSHATA DHONDIRAM SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Golegaonkar Madhur A.
AGP for Respondent Nos. 1 to 3 : Mr. S.G. Sangale

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

DATE : 26.07.2023

PER COURT :

The petitioner is challenging the order of the respondent No.2-
scrutiny committee invalidating his claim as belonging to 'Thakar' scheduled
tribe.

3. Heard the learned advocate for the petitioner and the learned A.G.P.
for a while. The learned A.G.P. fairly concedes that in the matter of real
brother of the petitioner namely Onkar Dhondiram Suryawanshi Vs. The
State of Maharashtra and others in Writ Petition No. 14062/2019, this
Court after taking into consideration several aspects has directed tribe
certificate to be issued to Onkar which was subject to the decision that was
to be taken by the committee in the matter of the validity holders, in view of
decisions in the matters of *Apoorva D/o Vinay Nichale Vs. Divisional Caste
Certificate Scrutiny Committee No. 1 and others; 2010 (6) Mh.L.J. 401* and
latest decision in the matter of *Maharashtra Adiwasi Thakur Jamat
Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online
SC 326*. The petitioner deserves the same treatment.

4. The Writ Petition is partly allowed. The impugned order is quashed

and set aside. The respondent No. 2-scrutiny committee shall issue validity certificate to the petitioner as 'Thakar' scheduled tribe immediately. This validity shall be subject to the outcome of the enquiry the committee has intended to reopen in respect of the validity holders.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-