

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

WRIT PETITION NO. 13345 OF 2023

Pranav Kishor Thakur

Age: 19 years, Occu: Education

R/o: P-Survey No.14, Gokul Nagar, Mondha Jadhavwadi,
District Aurangabad

... Petitioner

Versus

1. The State of Maharashtra
Through its Secretary Tribal Development
Department, Mantralaya, Mumbai – 32

2. Joint Commissioner cum Vice Chairman
Scheduled Tribe Certificate Scrutiny
Committee, Dhule

... Respondents

...

Mr. Wagh Mukulanand R, Advocate for the Petitioner
Mr. S. G. Sangle, AGP for the Respondents/State

...

**CORAM : MANGESH S. PATIL &
NEERAJ P. DHOTE, JJ.**

DATE : 30.10.2023

ORDER : [PER NEERAJ P. DHOTE, J.]

1. Heard the learned Advocate for the Petitioner and the learned AGP for the Respondents. Perused the papers.
2. Challenge in the Writ Petition is to the order dated 20/10/2023 passed by the respondent no.2 / Scrutiny Committee invaliding the Petitioner's claim of 'Thakur' Scheduled Tribe.

3. It is submitted by the learned Advocate for the Petitioner that though there are pre-constitutional and old entries in respect of the petitioner's great grandfather, the Committee discarded the same. He further submitted that the blood relatives of the Petitioner are holding the validity certificates issued by the Scrutiny Committee by following due process of law. He submitted that two blood relatives of the Petitioner, namely, Dipak Shankar Thakur and Chahya Shankar Thakur are issued the validity certificates pursuant to the order of this Court dated 13/03/2023. He submitted that though the Scrutiny Committee has re-opened their cases for re-scrutiny, the Petitioner cannot be deprived of the Tribe claim till the validity certificates of his blood relatives are cancelled by following due process of law.
4. Learned AGP supports the impugned order. He submitted that mere old entries will not be sufficient to grant the Petitioner's claim and as the Petitioner failed to substantiate his claim before Respondent no.2 – Scrutiny Committee, the impugned order has been rightly passed.
5. Perusal of the impugned order shows that in the vigilance inquiry, one old entry dated 02/01/1920 of Ramkrushna Kalu Thakur, who was the great grandfather of the Petitioner was found to be of 'Hindu Thakur'. Surprisingly, the Scrutiny Committee gave no weightage / value to the entry of 1920 though the oldest one, on the ground that the subsequent entries of cousin grandfather and cousin great grandfather of the Petitioner were found to be 'Marathe Thakur' and 'Hindu Brahmabhat'.

6. The Petitioner has denied his relation with Narayan Govind Nikumbh, who is shown to be his cousin grandfather, having the caste entry as 'Marathe Thakur'. In view of the principles laid down in the matter of **Anand Vs. Committee for Scrutiny and Others**¹, the older entry would prevail and will have greatest probative value.
7. There is no dispute that the blood relatives of the Petitioner by name Shankar Ramkrushna Nikumbh, Dipak Shankar Thakur and Chahya Shankar Thakur are issued validity certificates of 'Thakur' Scheduled Tribe. The papers show that the validity certificates of Dipak and Chahya came to be issued pursuant to the order passed by this Court in Writ Petition No.2791/2023 dated 13/03/2023. The relation of the Petitioner with the validity holders is not disputed.
8. Perusal of the impugned order shows that the respondent no.2 – Committee has re-opened the cases of Shankar, Dipak and Chahya. It appears that Shankar's validity has been cancelled by respondent no.2 – Committee by the order dated 19/10/2023. However, the validity of the other two blood relatives of the Petitioner i.e. Dipak and Chahya are still in existence, though their cases are re-opened by the Scrutiny Committee.
9. The other grounds of area restrictions and affinity, on which respondent no.2 – Committee has invalidated the tribe claim, are not sustainable in view of the principles in the judgments in the case of **Palghat Jilla Thandan Samudhaya Vs. State of Kerala and Another**², **Jaywant Dilip Pawar Vs. State of Maharashtra and**

1 (2012) 1 SCC 113

2 (1994) 1 SCC 359

**Ors.³ and Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti
Vs. State of Maharashtra and Ors.⁴**

10. Considering the above facts, circumstances of the case and principles laid down in the aforementioned judgments, we proceed to pass the following order:

ORDER

- 1) The Writ Petition is partly allowed.
- 2) The impugned order is quashed and set aside. The respondent – scrutiny committee shall immediately issue certificate of validity to the petitioner of ‘Thakur’ scheduled tribe. It shall be subject to the final outcome of the matters which the committee has decided to reopen.
- 3) The petitioner shall not be entitled to claim any equities.
- 4) Today being the last date the learned A.G.P. shall immediately communicate this order to the committee so that the petitioner can secure the admission.

[NEERAJ P. DHOTE, J.]

[MANGESH S. PATIL, J.]

Sameer

3 2018 (5) All MR 975

4 2023 SCC Online SC 326