

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

908 WRIT PETITION NO.13907 OF 2023

Nandkumar Kalidas Suryawanshi,
Age 33 years, Occ. Student,
R/o. Limgaon, Tq. Ambajogai,
Dist. Beed.

... **Petitioner.**

VERSUS

- 1) The State of Maharashtra,
Through it's Secretary,
Tribal Department,
Mantralaya Mumbai-32.
- 2) The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director (R).

... **Respondents**

...

Advocate for the Petitioner : Mr. Jadhavar Pratap V.
A.G.P. for the Respondents/State : Mr. S.G. Sangale

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

DATE : **03.11.2023**

PER COURT :

Heard.

2. The petitioner is challenging the order of the respondent-scrutiny committee confiscating and cancelling his 'Thakar' scheduled tribe under Section 7(2) of the Maharashtra Act XXIII of 2001 by the order dated 02.12.2022.

3. The impugned order was in fact a common order in respect of five individuals including the petitioner. One of them namely Suraj Suryakant Suryawanshi had challenged that order in Writ Petition No. 6574/2023. By the order dated 24.08.2023 the writ petition was allowed and Suraj was found entitled to have a certificate of validity subject to the final outcome of the matters which the committee has decided to re-open in respect of the

validity holders.

4. Since the self-same order has already undergone a scrutiny by this Court, the propriety demands that though we are sitting in a different bench, we should follow the course. The impugned order, therefore, even to the extent of the present will have to be struck down.

5. It is pointed out by the learned A.G.P. that though this Court in the matter of Suraj in paragraph 4 has observed that Suraj's father was holding a certificate of validity, in fact he does not possess any validity. Even the learned advocate for the petitioner admits the fact.

6. Be that as it may, there is no dispute about the genealogy and existence of number of validity holders in the family who are related to each other by blood from the paternal side.

7. Even otherwise, since the committee had decided to dispose of the claims of five individuals by a common order obviously on the premise that there was no dispute about the relationship *inter se* amongst them, the validities of two full brothers of Vidya Sanjiv Suryawanshi, whose claim was also invalidated by the impugned order, also possess certificates of validity.

8. In the light of the above, we allow the Writ Petition partly. The impugned order is quashed and set aside even to the extent of the present petitioner. The respondent-scrutiny committee shall issue certificate of validity to the petitioner of 'Thakar' scheduled tribe. It shall be subject to the final outcome of the matters of the validity holders which the committee has decided to re-open.

9. The petitioner shall not entitled to claim equities.

(NEERAJ P. DHOTE, J.)
mkd/-

(MANGESH S. PATIL, J.)