

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

WRIT PETITION NO. 13605 OF 2023

1] Pranav s/o Pravin Suroshe,
Age : 19 years, Occu: Education,

2] Yeshkumar s/o Suresh Suroshe,
Age : 19 years, Occu : Education,

Both R/o. Saraswati Nagar, Hingoli,
Tq. & Dist. Hingoli.

....Petitioners

Versus

1] The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai,
through its Secretary

2] Scheduled Tribe Certificate Scrutiny Committee,
Kinwat Head Quarter at Aurangabad,
through its Member Secretary

...Respondents

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Mr. Sagar S. Phatale – Advocate for the petitioners
Mr. S. B. Yawalkar – AGP for respondent/State

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**CORAM : MANGESH S. PATIL
AND
NEERAJ P. DHOTE, JJ.
DATED : 30TH OCTOBER 2023**

ORDER [Per : Neeraj P. Dhote, J.] :-

1. Heard learned counsel for the Petitioners and the AGP for Respondent / State.

2. The Petitioners have invoked the jurisdiction of this Court under Article 226 of the Constitution of India for challenging the order dated 13.09.2023 passed by respondent no. 2 – Scrutiny

Committee invalidating the claim of the Petitioners towards 'Thakur' Scheduled Tribe Category.

3. It is submitted by the learned advocate for the Petitioners that the Petitioners are the students pursuing their education and their tribe claims were referred to the respondent no. 2 – Scrutiny Committee by the College. The Petitioners are the first degree cousins. Though the Scrutiny Committee has validated the tribe claim of the fathers of both the Petitioners and there was ample documentary evidence towards validity of tribe claims of the blood relatives of the Petitioners, their tribe claims have been rejected as the entry of 'Maratha' was found during the vigilance inquiry in the documents of the grandfather of the Petitioners. It is contended that the oldest entry in the family of the Petitioners show the entry as 'Thakur'. It is submitted that the impugned order be set aside and the Petitioners be given tribe validity certificate.

4. The learned AGP supports the impugned order and submitted that, as the entry of 'Maratha' was found during the vigilance inquiry in the document relating to the grandfather of the Petitioners and as the Petitioners failed to establish their claim towards the Thakur Scheduled Tribe category before the Committee by tendering required proof, the Committee has rightly rejected the claim.

5. The Petitioners have placed on record the genealogy / family tree, which is not in dispute. Perusal of the impugned order shows that there is entry of 'Maratha' which has been rounded and the word 'Thakur' is written in the school record of Kisan Dattatraya Suroshe, who is the grandfather of the petitioners, the admission date therein is shown as 29.06.1964. In addition to this, there is entry of 'Thakur' which is in different ink in respect of the said Kisan Dattatray Suroshe who is the grandfather of the petitioners in the record of the same school wherein the admission date is 09.02.1957. This aspect is one of the grounds for the Scrutiny Committee to invalidate the tribe claim of the petitioners.

6. It is a matter of record that the first cousin of the Petitioners named Sakshi Satyaprakash Nandapurkar received the conditional validity certificate pursuant to the order passed by this Court in Writ Petition (St.) No. 21472/2020 by order dated 20.11.2020 in which the said aspect of 'Maratha' entry in the school record of the petitioners grandfather Kisan Dattatray has been dealt with. However, the fact remains and which is not in dispute is that the fathers of both the petitioners, namely, Pravin Kisanrao Suroshe and Suresh Kisanrao Suroshe respectively, are the validity holders towards the 'Thakur' Scheduled Tribe category. There is also no dispute that the said validity certificates are issued by following due process. From the said order of this Court it is further seen that the blood relatives of the petitioners are issued with the validity certificates of Thakur

Scheduled Tribe. Further, this Court in Writ Petition (St.) No. 24580 of 2020, granted conditional validity to the brother of said Sakshi.

7. In view of the above facts and circumstances and the principles laid down by the Hon'ble Apex Court in the case of **Mah. Adiwasi Thakur Jamat Swarakshan Samiti v. The State of Maharashtra & Ors. (Civil Appeal No. 2502 of 2022, decided on 24 March, 2023)**, the petitioners cannot be deprived of the validity certificates towards their claim of 'Thakur Tribe', however, subject to the final outcome of the matters which the Committee has decided to reopen. Hence, we 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 certificates of validity to the petitioners of 'Thakur' scheduled tribe. Those shall be subject to the final outcome of the matters which the committee has decided to reopen.
- 3) The petitioners 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 petitioners can secure the admission.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE