

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 WRIT PETITION NO.13931 OF 2023

Dhruvesh Vivek Thakare,
Age Minor, Occ. Student,
Under guardian of his grandfather
Shantaram Ramdas Thakare,
Age 60 years, Occ. Nil.
R/o. Krishna Nagar, Tekdi Road, Dhule
Tq. & Dist. Dhule.

... **Petitioner.**

VERSUS

- 1) The State of Maharashtra,
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
- 2) The Scheduled Tribe Certificate Scrutiny
Committee, Dhule, through its
Deputy Director (R).
- 3) The Sub Divisional Officer,
Dhule Tq. & Dist. Dhule.

... **Respondents**

...

Advocate for Petitioners : Mr. Jadhavar Pratap V.
AGP for Respondents/State : Mr. S.G. Sangale

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

DATE : **03.11.2023**

PER COURT :

Heard both the sides.

2. Rule. Rule is made returnable forthwith. With the consent of both the sides, the matter is heard finally at the stage of admission.

3. The petitioner is aggrieved by the fact that the competent authority has refused to issue him 'Tokre Koli' scheduled tribe certificate under the provisions of the Maharashtra Act XXIII of 2001. The scrutiny committee has also dismissed his appeal. His grandfather as well as father have been issued with the scheduled tribe certificates by the same competent authority.

4. True it is that the committee seems to be suspicious about the claim and has made observation regarding petitioner's father having been refused a similar certificate and even his appeal was dismissed and still he was able to have a tribe certificate and has decided to issue him a notice.

5. As is pointed out by the learned advocate for the petitioner, in fact petitioner's father was issued with a tribe certificate but it was not in correct format. Since it was not being so issued in the corrected format, he had approached this Court in Writ Petition No.12026/2019 along with few other family members. By the order dated 01.10.2019, he was directed to surrender attested copy of the tribe certificate which he had produced before the scrutiny committee and thereafter the competent authority was directed to issue him a tribe certificate in form 'C'. It is pursuant to this order that the petitioner's father was issued a tribe certificate in form 'C' on 04.12.2019.

6. These circumstances clearly belie the stand of the committee and the doubt being entertained by it about petitioner's father having managed to obtain a tribe certificate albeit his appeal was pending before the scrutiny

committee.

7. Pertinently, this fact was elaborately explained by the petitioner in the appeal memo filed before the scrutiny committee but the committee seems to have not gone through the memo of the appeal and has failed to verify the fact.

8. Be that as it may, the writ petition is allowed. The impugned orders are quashed and set aside. The respondent no. 2 who is the competent authority shall issue the tribe certificate of 'Tokre Koli' to the petitioner in form 'C' as expeditiously as possible and in any case within two weeks from today.

(NEERAJ P. DHOTE, J.)

(MANGESH S. PATIL, J.)

mkd/-