

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

WRIT PETITION NO. 126 OF 2020

Ambika d/o Ramchandra Thakur,
Age : 30 years, Occu. : Service
R/o Sayghavan, Tq. Kannad,
District Aurangabad,
Mob. No. 9850817694

.. Petitioner

Versus

1. Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad Division, Aurangabad,
Through its Member Secretary

2. Deputy Conservator Forest,
Aurangabad Forest Division,
Aurangabad Station Road,
Aurangabad.

.. Respondents

Shri Mahesh S. Deshmukh, Advocate for the Petitioner.
Mrs. M. A. Deshpande, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.**

DATE : 11 JULY 2023.

FINAL ORDER (Per Shailesh P. Brahme, J.) :

. Heard learned advocate for respective parties. Matter is taken up for final adjudication with their consent at admission stage.

2. This petition takes exception to the judgment and order dated 02.12.2019 passed by the respondent No. 1/Scrutiny

Committee invalidating the tribe claim of the petitioner as belonging to 'Thakur' (Scheduled Tribe).

3. The petitioner relies upon validity certificates issued to her cousin Snehal, Roshan and uncle Suresh. The genealogy is at page No. 27 of the petition, which is undisputed. Besides that there are affidavits, extracts of the school record to support the claim of the petitioner.

4. The Scrutiny Committee rejected the claim of the petitioner because the school record of the blood relatives and the revenue record was not compatible to the claim of the petitioner. The place of residence of the ancestors was also incompatible. There were contrary entries of the blood relatives. The vigilance report was against the petitioner.

5. The validity certificates were discarded because due procedure was not followed and there was suppression of material facts while issuing the validities.

6. The learned Assistant Government Pleader for respondent Nos. 1 and 2 supports the impugned judgment and order. He submits that validity certificate was issued to Snehal on certain conditions. The Committee has proposed to reopen validity certificates of Suresh, Snehal and Roshan.

7. Having considered rival submissions, we notice that the relationship is undisputed. Snehal was given conditional validity

in pursuance to the order passed by the High Court in Writ Petition No. 7628 of 2018. The judicial concomitance requires that we should also follow the decision of the coordinate bench.

8. We are guided by the law laid down by the Supreme Court in the matter of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others** reported in **2023(2) Mh.L.J. 785**.

9. The Scrutiny Committee has arbitrarily rejected the tribe claim of the petitioner. We have no other alternative than to accept the validity certificates of Snehal, Roshan and Suresh. The impugned judgment and order warrants interference. However, we propose to issue validity to the petitioner conditionally.

10. For the reasons stated above, we pass following order.

ORDER

A. The writ petition is partly allowed.

B. The judgment and order dated 02.12.2019 passed by the respondent No. 1/Scrutiny Committee is quashed and set aside.

C. The respondent No. 1/Scrutiny Committee shall issue validity certificate of 'Thakur' (Scheduled Tribe) to the petitioner within a period of two (02) weeks from today.

D. The validity certificate issued to the petitioner shall be subject to the decision of the Committee in case of revocation or cancellation of certificates of validity holders, relied by the petitioner.

E. The petitioner shall not claim any equity in case the validity certificates of the blood relatives are revoked or cancelled.

F. The writ petition is disposed of. There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/July 23