

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4031/2023

Jairaj S/o Surendra Suryawanshi,
aged about 38 Yrs., Occ. Student,
R/o Plot No.101, Near Water Tank,
Dattatraya Nagar, Nagpur-440 024,
Nehru Nagar Zone, Sakardara,
Nagpur.

... Petitioner

- Versus -

1. The State of Maharashtra,
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. Scheduled Tribe Certificate Scrutiny
Committee, through its Deputy
Director and Member Secretary,
Opposite Office of the State
Information Commission, Sana
Building, Chaprashipura,
Amravati-444 602.
3. State Common Entrance Test Cell,
Maharashtra State, through its
Commissioner, 8th Floor, New Excelasior
Building, A.K. Naik Marg Fort,
Mumbai 400 001.

... Respondents

Mr. N.D. Thombre, Counsel for the Petitioner.
Ms. N.P. Mehta, Assistant Government Pleader for Respondent
Nos.1 and 2.

CORAM: A.S. CHANDURKAR & MRS. VRUSHALI V. JOSHI, JJ.
DATE : 13.7.2023

ORAL JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. The challenge raised is to the order dated 22.6.2023 passed by the Scrutiny Committee invalidating the tribe claim of the petitioner as Thakur Scheduled Tribe and cancellation and seizure of caste certificate issued by the Sub-Divisional Officer, Daryapur on 2.12.2022.

3. The petitioner has filed the old documents of his father and great-grandfather of 1913 and 1953 which mentions the caste Thakur. The petitioner has also filed on record the validities of his father and brother.

4. The learned counsel for the petitioner has stated that father and brother of this petitioner are granted validity certificate. Referring to the family tree, the learned counsel for the petitioner submits that as the blood relatives of the petitioner

have been found to be belonging to Thakur Scheduled Tribe, same benefit ought to have been given to the petitioner.

5. The learned Assistant Government Pleader submits that the Vigilance Cell has found the documents where the caste is mentioned as Bhat. According to the Vigilance Cell the caste of great-grandfather and paternal uncle Keshav and Balwant is found as Bhat. The relatives of the petitioner have obtained said validity certificate by suppressing this fact, therefore, the benefit of such validity cannot be granted to the petitioner and hence the claim of the petitioner is invalidated.

6. The family tree on record indicates that the persons to whom the validity is granted are the relatives of the petitioner. The petitioner's father has been issued validity certificate pursuant to the decision in Writ Petition No.2513/2019 (Dr. Surendra S/o Digambar Suryawanshi V/s. State of Maharashtra and others) dated 17.9.2019. Prior thereto, the petitioner's brother is also issued a validity certificate on 15.6.1996. Following the decision in the case of Apoorva D/o

Vinay Nichale V/s. Divisional Caste Certificate Scrutiny

Committee No.1 and others reported in 2010 (6) Mh.L.J. 401

since the blood relatives of the petitioner have been issued validity certificate we are inclined to extend the same benefit to the petitioner.

7. Hence adopting the reasons assigned in Writ Petition No.2513/2019 following order is passed:-

The order passed by the Scrutiny Committee on 22.6.2023 invalidating the petitioner's claim of belonging to Thakur Scheduled Tribe is set aside. It is declared that the petitioner has proved that he belongs to Thakur Scheduled Tribe. The Scrutiny Committee shall within a period of four weeks from receipt of copy of this judgment issue validity certificate to the petitioner.

Rule is made absolute in aforesaid terms with no order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S. CHANDURKAR, J.)

Tambaskar.

Signed By: NEELESH VILASRAO
TAMBASKAR

Private Secretary
Date: 28.07.2023 17:03