



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

Writ Petition No.4418/2023

1. Anup s/o Pradip Wankhade,
aged about 32 years, Occ.-Service,
2. Vishal s/o Pradip Wankhade,
Aged about 35 years, Occ.-Student,

Both R/o near Guru Mandir, Karanja, Distt. Washim. Petitioners.

Versus.

1. The Vice-Chairman/Member Secretary,
Scheduled Tribe Caste Certificate Scrutiny
Committee, Yavatmal.
2. The Vice-Chairman/Member Secretary,
Scheduled Tribe Caste Certificate Scrutiny
Committee, Amravati.

.... Respondents.

Ms Preeti Rane, Adv for petitioners.
Ms. Sapkal, AGP for respondent nos.1 and 2.

CORAM : A.S. Chandurkar & Abhay J. Mantri, JJ
DATE : 01-11-2023.

Oral Judgment (Per- A.S. Chandurkar, J.)

Rule. Rule made returnable forthwith and heard
learned Counsel for the parties.

2. The challenge raised is to the order passed by the
Scrutiny Committee on 20-06-2023, invalidating the claim of the

petitioners of belonging to 'Thakur (Scheduled Tribe)'. It is not in dispute that the petitioners' father Pradip Wankhade had sought validation of his tribe certificate. The Scrutiny Committee had invalidated his claim and hence he had preferred Writ Petition No.3841/2005 (Pradeep s/o Himmatrao Wankhade Vs. State of Maharashtra and others) for challenging the same. By the judgment dated 24-02-2022, his claim was upheld and the order passed by the Scrutiny Committee was set aside. While deciding the said claim, reference was made to the documents dated 12-06-1925, 09-01-1931 and 19-01-1931. These documents had the entries 'Thakur'. The present petitioners have also sought to rely upon very same documents.

3. According to the learned Assistant Government Pleader, since the original certificate was issued by the Tahsildar at Karanja and the jurisdiction now vests with the Scrutiny Committee at Yavatmal, the proceedings were rightly directed to be considered by the said Committee. We, however, find that the claim of the petitioners' father has been upheld and he has been issued validity certificate. Further adjudication of very same

documents again is not warranted in the facts of the present case. The ratio of the decision in *Apoorva Vinay Nichale Vs Divisional Caste Scrutiny Committee No.1 and others*, reported in *(2010) 6 Mh.L.J. 401* is clearly attracted. Considering the fact that the claim of the petitioners has been pending since 2007, we find that this is a fit case where benefit of the validity granted to the petitioners' father can be extended to the petitioners.

4. For the aforesaid reasons, the order passed by the Scrutiny Committee on 20-06-2023 is set aside. It is declared that the petitioners have proved that they belong to 'Thakur (Scheduled Tribe)'. Within a period of four weeks from today, the Scrutiny Committee shall issue validity certificate to the petitioners. It is noted that the petitioners' father has been issued validity certificate by the Yavatmal Division of the Amravati Committee.

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

(Judge)

(Judge)