

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 5403 OF 2021

Vaishnavi Narendra Pawar, Aged about
25 years, Occup. Student, R/p
Pawasale Lay-Out, Near Zabaji
Maharaj Mandir, Akola 444004, Tq.
And Dist. Akola.

Petitioner

-Vs.-

The Scheduled Tribe Certificate
Scrutiny Committee, Amravati,
through it's Member Secretary, Having
it's address at Amravati, Tq. And
Dist.Amravati.

Respondent

Mr.PR.Parsodkar, counsel for the petitioner
Mr.A.A.Madiwale, AGP for respondent.

**CORAM:A.S.CHANDURKAR AND
MRS. VRUSHALI V. JOSHI, JJ.**

DATE : 14th July, 2023

O R A L J U D G M E N T (Per : A.S.Chandurkar, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally by
consent of the learned counsel appearing for the parties.

3. The challenge raised is to the judgment of the Scrutiny
Committee dated 03.08.2021 invalidating the petitioner's claim of
belonging to 'Thakur' Scheduled Tribe.

4. After hearing the learned counsel for the petitioner as well as the learned Assistant Government Pleader, we find on perusal of the family tree that has been prepared by the Vigilance Cell that various blood relatives of the petitioner have been issued validity certificates. The petitioner's cousins Anurag Gajendra Pawar and Ashutosh Gajendra Pawar had approached this Court in Writ Petition No.6670 of 2022 and by judgment dated 01.12.2022, (Anurag Gajendra Pawar and ors Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee and anr.), the claim of belonging to 'Thakur' Scheduled Tribe was upheld. Similarly, petitioner's uncle Rajendra Namdev Pawar had preferred Writ Petition 4718 of 2021 (Rajendra Namdev Pawar and anr. Vs.State of Maharashtra through its Secretary, and ors.), which was also allowed on 19.01.2023. The petitioner's cousin, who had filed Writ Petition No.3041 of 2021 (Pavan Bhikaji Pawar Vs.The Vice-Chairman/Member-Secretary) has also been declared as belonging to '*Thakur*' Scheduled Tribe. A certificate of validity has also been issued to another cousin brother, Ganesh Prabhakar Pawar.

5. In the light of aforesaid adjudication, we find that the petitioner is entitled for the benefit of the decision in *Apoorva*

Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others [2010(6) Mh.L.J.401].

6. Hence, by adopting the reasons assigned in aforesaid decisions, the order passed by the Scrutiny Committee dated 03.08.2021 is set aside. It is declared that the petitioner has proved that he belongs to 'Thakur' Scheduled Tribe. Within a period of two weeks of receiving copy of the judgment, the Scrutiny Committee shall issue validity certificate in favour of the petitioner.

7. Rule is made absolute in the afore-stated terms. No order as to costs.

(MRS.VRUSHALI V. JOSHI, J)

(A.S.CHANDURKAR,J)