

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

WRIT PETITION NO. 992 OF 2023

- 1 Samiksha Gajanan Suryawanshi, aged 19 years, Occup. Student, R/o Narayan Nagar, Near Balaji Ginning, Karanja Lad, Dist.Washim. **Petitioner**

-Vs.-

- 1 State of Maharashtra, through its Secretary, Tribal Development Department, Mantralaya, Mumbai 400 032.
2. Scheduled Tribe Certificate, Scrutiny Committee, Yavatmal, through its Joint Commissioner/Vice-President, Yavatmal, Dist.Yavatmal.
3. The Principal, Government Nursing Training School, District Hospital, Washim, Dist.Washim. **Respondents**

Mr. G.G.Mishra, counsel for the petitioner.
Ms.S.S.Jachak, AGP for respondent Nos.1 to 3.

**CORAM:A.S.CHANDURKAR AND
MRS. VRUSHALI V. JOSHI, JJ.
DATE :4th 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 order passed by the Scrutiny Committee on 28.11.2022 refusing to validate the petitioner's claim of belonging to 'Thakur' Scheduled Tribe. *Inter alia*, it is submitted by the learned counsel for the petitioner that the cousin brothers of the petitioner namely, Sanjay, Ritesh and Mohan had approached this Court in ***Writ Petition No.6384 of 2018 (Sanjay Pralhad Suryanwanshi and ors. Vs. Union of India and ors)*** and by judgment dated 05.08.2019, after considering the similar documents this Court upheld that claim. Referring to the family tree, the learned counsel for the petitioner submits that as her blood relatives have been found to belong to 'Thakur' Scheduled Tribe, same benefit ought to be given to the petitioner. On the other hand, the learned AGP submits that in the documents of the year 1949, there is an entry with the words "Kunbi". She, therefore, submits that the claim was rightly turned down.

4. The family tree on record indicates that the cousin brothers of the petitioner have been issued the validity certificate in the light of the decision in the Writ Petition No. 6384 of 2018. The petitioner's relationship with them is not disputed. The old documents on record are of the year 1920, 1938 and 1939 with

the entry “Thakur”. Hence, the document of 1949 with a contrary entry would not be very material.

5. Following the decision in the case of *Apoorva Vinay Nichale Vs. Divisional Caste Scrutiny Committee No.1.and ors. 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 similar benefit to the petitioner. Hence adopting the reasons as assigned in Writ Petition No.6384 of 2018, following order is passed:-

The order dated 28.11.2022 passed by the Scrutiny Committee is set aside. It is held that the petitioner has proved that she belongs to ‘Thakur’ Scheduled Tribe. The Scrutiny Committee shall within a period of four weeks issue validity certificate to the petitioner.

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

(MRS.VRUSHALI V. JOSHI, J)

(A.S.CHANDURKAR,J)