



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

Writ Petition No. 2906 OF 2021

Jyoti d/o Suresh Wankhede
(Sau. Jyoti Dinesh Devare (Thakur),
Age : 39 years, Occ. Student,
R/o : Songir, Taluka and
Dist. Dhule.

...Petitioner

Versus

1. The State of Maharashtra,
Trough its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Scheduled Tribe Certificate Scrutiny
Committee, Nandurbar Division,
NandurbarThrough its Member Secretary.
3. The Sub Divisional Officer,
Jalgaon, District Jalgaon.

...Respondents

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Mr. A.S. Golegaonkar i/by Mr. M.A. Golegaonkar, Advocate
for the Petitioner.

Mr. A.R Kale, Addl.GP for Respondent/State.

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

DATE : 12 AUGUST 2024

FINAL ORDER [Per: Shailesh P. Brahme, J.] :

. This is being heard finally at the admission stage
considering exigency in the matter.

2. The petitioner is challenging the judgment and order dated 25.02.2020 passed by the Scrutiny Committee, confiscating and invalidating his tribe certificate of 'Thakur' Scheduled Tribe. Petitioner seeks to rely on the validity certificates of Shaligram, Prashant, Govind, Dheeraj and Nishant.

3. Learned Counsel for the petitioner submits that Dheeraj and Nishant were issued with validity certificates by orders of the High Court. The old record which has already been verified, supports the tribe claim. He would refer to old record of Ramchandra Motiram Thakur.

4. Learned AGP supports the impugned judgment and order. He would submit that the school record of Narayan, Ramchandra, Dnyandev, Bhaskar is incompatible with the tribe claim of the petitioner. He would submit that the validity certificates were rightly discarded by the Scrutiny Committee.

5. We have considered submissions of the parties. The relationship of the petitioner with validity holder is undisputed. Vigilance inquiry was conducted in the matter of Shaligram and then he was issued with validity certificate. Nishant and Dheeraj were issued with validity certificates by common judgment and order passed by the coordinate bench in Writ Petition No.3994/1999. Prashant was also issued with validity certificate. We do not find any material to discard the validities. When selfsame record was under consideration, the Committee could

not have discriminated the petitioner.

6. It reveals from record that the petitioner is relying on school record of Shivlal of 1919, Shamrao – 1916 and Ramchandra – 1922. Being pre-independence record, it has greater probative value. It corroborates the petitioner's claim. The contrary entry pressed into service by learned AGP was that of Narayan Ramchandra of 1926. It is subsequent in time. The earlier pre-constitution record would prevail over entry of 1926. The Committee should have granted validity certificate to the petitioner.

7. Nishant and Dheeraj were issued with validity certificates by High Court vide common judgment dated 01.10.2023. The Committee has proposed to file review application in the matter of Nishant and Dheeraj. All the validity holders are issued show cause notices.

8. The petitioner is ready to run the risk as per the judgment rendered in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018. She deserves validity certificate conditionally. We, therefore, pass following order :

ORDER

- a. The writ petition is allowed partly.
- b. The judgment and order dated 25.02.2020 passed by the Scrutiny Committee is quashed and set aside.

- c. The Scrutiny Committee shall issue tribe validity certificate of 'Thakur' scheduled tribe to the petitioner forthwith. The same shall be subject to the outcome of re-verification and review orders of the High Court.
- d. The petitioner shall not be entitled to claim equities.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE