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

WRIT PETITION NO. 2322 OF 2008

Atul s/o. Subhash Bhamare,
Age 28 years, Occ. Service,
R/o. Jogai Niwas, Plot No. 23/8,
GD Mali Hsg. Society, Devpur,
Dhule, Dist. Dhule.

.. petitioner.

VERSUS

1. The State of Maharashtra
through the Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste
Certificate Verification Committee,
Nasik Division, Nasik.
3. The Sub Divisional Officer,
Dhule Sub Division, Dhule.
4. S.T. Khalane Mahajan High School
& Jr. College, Deopur, Dhule,
through its Principal.

.. Respondents.

Mr. A.S. Golegaonkar, Advocate for petitioner,
Mrs. R.P. Gaur, AGP for respondent Nos. 1 to 3
Mr. U.S. Malte, Advocate for respondent No.2.

**CORAM : SMT. VIBHA KANKANWADI
& S.G. CHAPALGAONKAR, JJ.**

**RESERVED ON : 22nd MARCH, 2024
PRONOUNCED ON : 5TH APRIL, 2024.**

JUDGMENT [PER S.G. CHAPALGAONKAR, J] :-

1. The petitioner approached this Court under Article 226 of the Constitution of India impugning the order dated 3.5.2007, passed by the Scheduled Tribe Certificate Verification Committee, Nasik (Respondent No.2) thereby invalidating the tribe claim of the petitioner for “Thakur Scheduled Tribe”.

2. Mr. A.S. Golegaonkar, learned advocate appearing for the petitioner submits that the petitioner belongs to “Thakur Scheduled Tribe”. The competent authority conferred a caste certificate in favour of the petitioner. His caste claim was referred to respondent No.2 committee. The Committee called vigilance report. The Vigilance Cell submitted inquiry report. The petitioner replied to the contents of the vigilance report. The petitioner supported his claim by filing own school record and school record of his blood relatives. The oldest is the school admission entry of his grand father of the year 1927. The claim of his real brother Pankaj is validated under order of this court in W.P. No. 13311 of 2022 dated 4.7.2023. He would submit that the Committee invalidated the petitioner’s claim merely for the reason of affinity test.

3. Mrs. R.P. Gaur, learned AGP for the respondent Nos. 1 to 3 would submit that the Committee observed that the “Thakur” or “Hindu Thakur” recorded at the time of admission in the year 1927 to 1957 itself can not establish petitioner’s claim for “Thakur Scheduled Tribe”. “Thakur Scheduled Tribe” is listed at Sr.No. 44 in the list of Scheduled Tribes in Maharashtra. However, there are many other casts using “Thakur” as the surnames. Every entry as “Thakur” does not constitute

“Thakur Scheduled Tribe”. She would further submit that the proposal is moved to challenge the order passed by this Court in W.P. No. 13311 of 2022, by which the petitioner’s real brother has been granted validity.

4. We have considered the rival submissions. We have gone through the original record received from the Committee. As per record pre-constitutional document in the name of the petitioner’s paternal blood relations depict the entry as “Thakur”. The entry dated 14.7.1927 in the name of Gorakh Namdeo Thakur i.e. grandfather of the petitioner, records his caste as “Thakur”. The school entry dated 4.6.1957 records the caste of petitioner’s father Subhash as “Hindu Thakur”. The Supreme Court in the matter of ***“Ku. Madhuri Patil Vs. Additional Commissioner, Tribal Development and others” reported in (1994) 6 SCC 241*** observed in para. 10 as under :-

“Entries in school register preceding Constitution do furnish great probative value to the declaration of the status of a caste. Hierarchical caste stratification of Hindu social order has its reflection in all entries in public record. What would, therefore, depict the caste status of the people inclusive of the school or college records, as the then census rules insisted upon”.

5. Apparently, the pre-constitutional record assumes significance while considering the petitioner’s claim. The genuineness of the aforesaid documents is not dispute before us. The Committee discarded the aforesaid documents giving the reason that entry of “Thakur” can be found even in respect of record pertaining to advanced castes hence such record is not sufficient to establish the petitioner’s claim for Thakur Scheduled Tribe listed at Sr. No.44. We find it difficult

to countenance with the observations of the committee. Merely because “Hindu Thakur” is referred in the school record of petitioner’s father, that would not constitute contra-entry, particularly, when the entry of 1927 in the name of petitioner’s grandfather simply records his caste as Thakur. No contra evidence is brought before us to dislodge petitioners claim that he belongs to “Thakur”-Schedule Tribe.

6. This Court, while considering the writ petition filed by the petitioner’s real brother observed that there are 17 validity holders amongst blood relations of the petitioner from paternal side, and different committees have issued such validity certificates. As many as 7 caste validities have been issued, based on the orders passed by this court. In that view of the matter we are inclined to follow same course. I result writ petition succeeds. Hence, we pass the following order :-

ORDER

[I] Writ petition is allowed;

[ii] The impugned order dated 3.5.2007, passed by the Scheduled Tribe Certificate Verification Committee, Nasik is hereby quashed and set aside.

[iii] The Committee shall issue Validity Certificate in favour of petitioner as belonging to “Thakur Scheduled Tribe” within a period of four weeks from the date of this order.

[iv] Writ petition stands disposed of accordingly.

[S.G. CHAPALGAONKAR, J] [SMT. VIBHA KANKANWADI, J]

grt/-