



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3732 OF 2011

Santosh s/o Waman Deore .. Petitioner

Versus

The State of Maharashtra & others .. Respondents

Mr. S. R. Barlinge, Advocate for the Petitioner.

Mr. P. K. Lakhotiya, AGP for the State.

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 23rd FEBRUARY, 2024.

PER COURT :

1. The Petitioner's claim of belonging to Thakur Scheduled Tribe category has been invalidated by the impugned judgment dated 24th February, 2011.

2. We have considered the submissions of the learned Advocates for the respective sides and have gone through the petition, paper book and the record with their assistance.

3. There are two reasons for which we are convinced that this matter needs to be remanded to the Committee. Firstly, that documents pertaining to the school record of the Petitioner's father namely Waman Bhila Thakur and his cousin grand father Shamrao Shivram Thakur, need to be proved. Secondly, the Petitioner needs to be establish his claim that the following persons are his blood relatives from the paternal side :-

- a) The great grand father of the Petitioner is Shivram Manga Thakur.
- b) Shivram had four sons namely Bhila, Baburao, Daulat and Shamrao.
- c) Waman is the son of Bhila.
- d) The Petitioner is the son of Waman and grand son of Bhila.
- e) Daga is the son of Daulat. Mukesh is the son of Daga.
- f) Tejashree, daughter of Mukesh, is the grand daughter of Daga and great grand daughter of Daulat. Tejashree has a validity certificate.
- g) Dharmendra and his biological sister Jayashree, are the children of Digambar who is the son of Shamrao. Shamrao is the

biological brother of Bhila and Daulat. Both, Dharmendra and Jayashree, have validity certificates.

h) Chandrashekhar and his biological sister Swapna, are the children of Pralhad who is the son of Shamrao. Both Chandrashekhar and Swapna, have validity certificates.

4. As such, since the learned Advocate for the Committee submits that the record pertaining to these validity holders namely Tejashree, Dharmendra, Jayashree, Chandrashekhar and Swapna, will have to be compared with the record of the Petitioner, we find that the view taken by the Supreme Court in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra, 2023 SCC OnLine SC 326**, would apply to the case of the Petitioner and the Petitioner will have to be given an opportunity to prove his blood relations with these validity holders from the paternal side.

5. It is only for the above reasons, that **this Writ Petition is partly allowed** and the impugned order is set aside. The proceedings concerning the Petitioner are restored to the file of the competent Committee at Dhule with the following directions :-

a) The Petitioner would appear before the Committee on 5th March, 2024 at 12.00 noon.

b) The Petitioner tenders his email address for the purpose of correspondence between him and the Committee, as under :-

santoshdevare90@gmail.com

c) The Petitioner undertakes that the correspondence on the email address would be sufficient service and he would not take a stand that he did not have access to the email or could not notice the correspondence through email.

d) The Petitioner shall tender documents, if desired, and tender such evidence as is advised for proving his relationship with the above mentioned validity holders from the paternal side.

e) The Petitioner undertakes to render whole hearted cooperation to the Committee and would not seek adjournments on unreasonable or trivial grounds.

f) The Committee shall ensure, with the due cooperation of the Petitioner, that the proceedings are decided on or before 30th June, 2024.

(R. M. JOSHI)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE