



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3807 OF 2024

Swarupa Sanjay Deore

.. Petitioner

Versus

1. The State of Maharashtra
Department of Tribal Development,
Mantraya, Mumbai-32,
Through its Secretary.
2. The Deputy Director/Member Secretary,
Scheduled Tribe Certificate Scrutiny
Committee, Kinwat, having its Head
Office at Aurangabad.

.. Respondents

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Mr. S. C. Yeramwar, Advocate for the petitioner.
Dr. K. B. Patil Bharaswadkar, AGP for the respondents – State.

...

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

DATE : 27 JUNE 2024

ORDER :-

Heard both the sides finally.

2. The petitioner is aggrieved by the impugned judgment of the respondent No.2 Scrutiny Committee, thereby confiscating and cancelling his tribe certificate belonging to Thakur Scheduled Tribe.

3. Apart from the fact that apparently, the Scrutiny Committee has discarded the school record of the year 1915 without there being any observation or occasion to doubt its genuineness, only on the ground that, that entry was Thakur and would not indicate except similarity in the nomenclature that what was meant by that entry was Thakur Scheduled Tribe.

4. Admittedly, this Court in Writ Petition No.9770 of 2019 in the matter of petitioner's real brother Dhananjay and Sister Harshada by order dated 10.12.2019 directed them to be issued with certificate of validity for the reasons recorded therein, after objective scrutiny of a similar judgment of the Scrutiny Committee invalidating their tribe claims and directed a conditional validity certificate to be issued to both of them, subject to the final outcome of the matters of the validity holders, which the Scrutiny Committee had proposed to reopen.

5. Learned AGP, on instructions, submits that notices have been issued to the validity holders, but nothing further has taken place.

6. In our considered view, discarding old entries without doubting their genuineness and simply by drawing inference that the entry Thakur was not indicating that it was Thakur Scheduled Tribe by referring to the principle of area restriction which the Committee could not have legally

done in the light of **Palghat Jilla Thandan Samudhaya Samrakshna Samithi Vs. State of Kerala [994 SCC (1) 359]**, is clearly unsustainable in law. The aforementioned two validities granted to the real brother and sister would enure to the benefit of the petitioner.

7. Writ Petition is allowed partly. Impugned order is quashed and set aside.

8. Respondent No.2 – Scrutiny Committee shall issue certificate of validity of “Thakur” Scheduled Tribe to the petitioner immediately. It shall be subject to the final outcome of review if any of the orders of this Court and the final decision in the matters which the Committee intends to reopen in respect of the validity holders.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

scm