



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

WRIT PETITION NO. 5787 OF 2024

BHUSHAN VIJAYSING THAKUR

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

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Advocate for Petitioner : Mr. Yeramwar Sushant C.
AGP for Respondents/State : Mr. S.R. Yadav Lonikar

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

DATE : 12 SEPTEMBER 2024

PER COURT :

. The petitioner is challenging the order of the Scrutiny Committee, refusing to validate his Thakur scheduled tribe certificate.

2. It is being submitted by the learned advocate for the petitioner that in fact the proposal was submitted with the respondent/Scrutiny Committee in the year 2009. Since thereafter it was pending with the Scrutiny Committee. He had subsequently even migrated to some other place. It is only after the institute wherein he obtained education, raised demand for tuition fees in the year 2023 that he undertook the inquiry and found that the Committee had passed the impugned order behind his back. He would also submit that a copy of vigilance report conducted in the matter of one Pundlik Gulab

Thakur was sent to the petitioner's original address, soliciting his response thereto, when, in fact the petitioner is not related to that individual by blood from paternal side. He submits that the matter may be remanded, extending the petitioner an opportunity to substantiate his claim and even controvert the stand of the Committee of being related to Pundlik Gulab Thakur.

3. Learned AGP submits that the petitioner seems to have woken up after a slumber and is trying to seek benefit of the fact that some of the blood relatives have been subsequently held by this Court to be entitled to have certificates of validity may be conditionally.

4. Irrespective of the motive being attributed to the petitioner, the fact remains that the proposal submitted to the Committee in the year 2009 was taken up for hearing and was decided in the year 2023. The petitioner alone cannot be blamed for it.

5. If it is a matter of social status, irrespective of the submission of the learned AGP pointing out the subsequent validities issued to the blood relatives, being a cause which has prompted the petitioner to approach this Court, the interest of justice would be met by quashing and setting aside the impugned order and remanding the matter to the Committee for fresh adjudication by extending opportunity to him to substantiate his claim and discharge the burden under Section 8 of the Maharashtra Act No. XXIII of 2001.

6. The writ petition is allowed partly.
7. The impugned judgment and order is quashed and set aside.
8. The petitioner shall appear before the Committee on 27.09.2024 and thereafter Committee shall decide the proposal afresh in accordance in law by extending him an opportunity to substantiate the claim and if felt necessary by resorting to vigilance inquiry.
9. The decision shall be taken as expeditiously as possible and in any case within six months. Till then, no recovery shall be made on the basis of order of invalidation.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..