



(1)

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

927 WRIT PETITION NO. 1858 OF 2011

Ashok Prabhakar Thakur

....petitioner

VERSUS

1. The State Of Maharashtra
Through the Secretary,
Tribal Development Department,
Mantralaya, Mumbai
2. The Scheduled Tribe Caste Certificate
Verification Committee, Nasik
3. The Dy. Collector & Dy. Dist. Election
Officer, Jalgaon
4. The Administrative Officer,
Office of Municipal Corporation Hqrs.,
Mumbai

....respondents

WITH
CIVIL APPLICATION NO. 5441 OF 2023
IN WP/1858/2011

Ashok Prabhakar Thakur

VERSUS

The State Of Maharashtra Through Principal Secretary and Others

....

Mr D. B. Shinde, Advocate for petitioner/applicant
Ms P. J. Bharad, A.G.P. for respondent Nos.1 to 3
Mr A. K. Tiwari, Advocate for respondent No.4

(2)

**CORAM : MANGESH S. PATIL
AND
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 12th November, 2024

PER COURT:

1. At the joint request of the parties, the matter is heard finally.
2. The Petitioner is challenging the decision of respondent No.2/Scrutiny Committee in a proceeding under Section 7 of the Maharashtra Act No.XXIII of 2001, refusing to validate his 'Thakur' Scheduled Tribe certificate.
3. We are saved of assigning elaborate reasons and undertaking threadbare scrutiny of the order under challenge for the simple reason that admittedly, petitioner's first degree cousin Suresh Pandit Thakur has been held to be entitled to have a certificate of validity by the order of this Court in Writ Petition No.10135/2024, which in turn, was decided on the basis of the earlier decision of this Court in Writ Petition No.4603/2024, wherein Suresh's son Kapil was held entitled to have a certificate of validity.

(3)

4. There being no dispute about the petitioner being related to these two individuals by blood from the paternal side, since it is purely an issue of social status, a blood relative cannot belong to a different caste or tribe. For this reason alone, the petitioner is entitled to have a certificate of validity.

5. This writ petition is allowed.

6. The impugned order is quashed and set aside.

7. The respondent/Committee shall issue certificate of caste validity to the petitioner as belonging to the 'Thakur' Scheduled Tribe.

8. Pending Civil Application is disposed off.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)

sjk