



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

WRIT PETITION NO. 4342 OF 2024

Hrishikesh Sopan Suryawanshi .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioner.
Shri K. S. Patil, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 04 JULY 2024.

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both the sides finally at the admission stage.

2. Petitioner is aggrieved by the judgment and order dated 24.01.2024 passed by the respondent No. 2/Scrutiny Committee invalidating his tribe certificate of Scheduled Tribe 'Thakur' and confiscating the same. He seeks to rely on validity certificates issued to his father Sopan Suryawanshi, first degree cousin Anand, Jagdish and Kishorkumar. He would refer to our order dated 21 July 2023 passed in the matter for first degree cousin Anand Ganesh @ Ganpat Suryawanshi in Writ Petition No. 11709 of 2019, by which invalidation was quashed and committee was directed to issue validity certificate.

3. Learned Assistant Government Pleader supports impugned

order. He would point out that school record of the relatives of the petitioner is not compatible with his tribe claim. A vigilance enquiry reveals manipulation of the school record of Ashok and Ganpat. It is submitted that the Committee has rightly rejected the tribe claim. He would further submit that the validity holders procured the certificates by suppressing material facts and their certificates are not reliable.

4. We find from the genealogy that there are atleast seven validity holders in the family of the petitioner including his father Sopan Suryawanshi. Reliance is placed on the order dated 21 July 2023 passed in the matter of Anand Suryawanshi, who is first degree cousin of the petitioner. When on the basis of self same record this Court has already directed to issue validity certificate to Anand, it would be unjust to deny benefit of social status to the petitioner.

5. We also notice that the father of the petitioner was issued with validity certificate after conducting vigilance enquiry. We find that there are pre constitutional entries in the school record of Yashwant and Rambhau having greater probative value. Petitioner has made out a case for issuing him validity certificate. We therefore pass following order.

O R D E R

(I) Impugned common judgment and order dated 24.01.2024 passed by the respondent No. 2/Scrutiny Committee is quashed

and set aside.

(II) The respondent No. 2/Scrutiny Committee shall issue tribe validity certificate of 'Thakur' (Scheduled Tribe) to the petitioner immediately, which shall be subject to the decision of reverification likely to be undertaken by the scrutiny committee in respect of validity holders in the family of the petitioner.

(III) Petitioner shall not claim any equity.

(V) Writ petition is disposed of.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/July 24