



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

WRIT PETITION NO. 4980 OF 2024

Jitendra Eknath Thakur .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. S. Phatale, Advocate h/f Shri Ramchandra K. Mandadkar,
Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 to 3.

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

DATE : 01 JULY, 2024.

FINAL ORDER :

. Heard both the sides finally.

2. Petitioner is challenging judgment and order of the respondent/Scrutiny Committee in the matter under the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes And Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (the Maharashtra Act XXIII of 2001) and the rules framed thereunder whereby it has refused to recognize the petitioner's 'Thakur' (Scheduled Tribe) certificate.

3. It is pertinent to note that as far as the genealogy stated by

the petitioner's father on oath that was before the Scrutiny Committee expressly indicating that one Gorakh Kautik Thakur was common ancestor having five sons Somnath, Jagannath, Eknath, Keshavnath and Pandharinath. The petitioner is grandson of Eknath. Somnath and his two issues Sonal and Shrikant possess certificates of validity and so does Keshavnath. Somnath was issued with the certificate of validity by the then Committee in the year 2001. It appears that to the extent of Somnath and his daughter Sonal, the Committee had reopened their proposals and undertook threadbare scrutiny by reconsidering everything and recalled the certificates of validity issued to both of them by the order dated 30 September 2023.

4. Somnath and Sonal challenged decision of the Committee in Writ Petition No. 14732 of 2023. By judgment and order dated 08 January 2024, this Court had allowed the writ petition and directed certificates of validity to be restored by quashing and setting aside the decision of the Scrutiny Committee.

5. True it is, as has been rightly submitted by the learned Addl. G. P., the issue as to if the scrutiny committee has power and jurisdiction to reopen the matters of the validity holders, is pending before the Supreme Court and even the coordinate bench in the matters of Somnath and Sonal has made observations regarding the decisions of the coordinate benches holding that the Committee does not have power to reopen the matters.

6. However, pertinently, that was not the sole reason for allowing the writ petition as can be seen. Over and above, the coordinate bench has undertaken factual scrutiny on the basis of evidence. It has expressly observed that though there were some contrary entries referred by the Committee of period between 1905 and 1922, there was oldest document of 1877, which was supporting petitioner's claim as belonging to Thakur. It also noticed that there were other several such favourable entries for the period between 1877 and 1932. Obviously, oldest document was considered while allowing the writ petition of Somnath and Sonal. In view of such decision in the matter of Somnath and Sonal, in our considered view, petitioner is entitled to rely upon the validities which have been concluded by the coordinate bench.

7. Learned Addl. G. P. has been unable to make any statement as to if some decision has been taken to challenge the order of this Court in the matter of Somnath and Sonal, which was passed on 08th January 2024. Considering aforementioned fact and situation, it would not be necessary for this Court to re-appreciate the evidence and arrive at different conclusion than that has been reached by the coordinate bench in the matter of immediate blood relative of the petitioner.

8. Writ petition is allowed. Impugned judgment and order is quashed and set aside. The respondent/committee shall issue certificate validity to the petitioner of 'Thakur' (Scheduled Tribe). Validity of the certificate to be issued to the petitioner would be

subject to final outcome of the matter in respect of Somnath and Sonal, if at all the decision of this Court is subjected to challenge.

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

bsb/July 24