



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 WRIT PETITION NO. 7968 OF 2024

PIYUSH CHANDRASHEKHAR THAKUR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Yeramwar Sushant C.

AGP for Respondents : Mr. S.P. Joshi

...

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

DATE : 06 AUGUST 2024

PER COURT :

Heard both the sides.

2. The petitioner is challenging the order of invalidation.
3. Learned Advocate for the petitioner would advert our attention to the genealogy starting from Namdeo Umaji Thakur stating to be a great-grandfather of the petitioner. He was survived by three sons Prakash, Vitthal and Pandurang. The petitioner is grand son of Prakash. His real sister Gauri and few other cousins have been granted certificates of validity. Importantly, one Balaji who is the petitioner's cousin uncle was granted a blanket validity by the order of this Court. Subsequently, the other relatives have

been granted validity may be conditionally. The petitioner is ready to run the risk as contemplated by *Shweta Balaji Isankar Versus State of Maharashtra*, passed by this High Court in Writ Petition No. 5611 of 2018. He may be issued with the certificate of validity.

4. Learned AGP opposes the petition. He submits that for a detail reasons the Committee has rightly refused to extend the benefit of validity to the petitioner.

5. We have considered the rival submissions and perused the papers. No dispute has been raised by the Committee about the genealogy. It is merely banking upon couple of adverse/contrary entries of Rajput and Maratha of post independence period and in the process has ignored the pre-presidential order favourable school record. Though the Committee has resorted to a detail reasoning to demonstrate as to how there is enormous increase in such claims obviously for deriving the benefit, in spite of the fact that 'Thakur' scheduled tribe was restricted to a specific area, these observations are contrary to the settled principle in *Palghat Jilla Thandan Samudhaya Samrakshna Samithi and another Versus State of Kerala*, (1994)1 SCC 359, in the light of removal of area restriction by the Act of 1976.

6. Pertinently, without raising any dispute about the genealogy the Committee has refused to even consider the validities in the family particularly the one possessed by Balaji which is blanket validity granted by the order of this Court.

7. Be that as it may, admittedly, there are several validities in the family issued by the orders of the High Court when the petitioner is ready to run the risk of facing consequences contemplated in the matter of *Shweta Balaji Isankar* (supra), even he deserves to be extended similar benefit conditionally. The impugned order refusing to extend the benefit of validities in the family is clearly perverse and arbitrary.

8. Writ Petition is allowed partly. Impugned order is quashed and set aside. The Committee shall issue certificate of validity to the petitioner of Thakur scheduled tribe whose validity shall be subject to final outcome of the matter which the Committee has decided to reopen.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]