



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

WRIT PETITION NO. 8021 OF 2024

Prasad Jagdish Chavan through
Guardian Jagdish Dhoman Chavan .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

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

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 08 AUGUST, 2024.**

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

. Heard both the sides finally considering urgency in the matter.

2 Petitioner takes exception to the judgment and order dated 25.07.2024 passed by the respondent No. 2/Scrutiny Committee confiscating and invalidating tribe certificate of the petitioner as belonging to 'Thakur' Scheduled Tribe. He relies on validity certificate of Ritesh and old entries of Lotan Rupsing Thakur, Popat Gaba Chavan, Dhoman Gaba Thakur, Shantilal Lotan Rupla, which are of pre-independence period.

3. Per contra, learned Assistant Government Pleader supports impugned judgment and order by pointing out that it was suppressed that tribe certificate of Deepak Kashinath

Chavan was invalidated. There was pre-constitutional contrary entry of Dhoman Gaba Thakur of 1954 and old entry of Kashinath Lotanrao Chavan and Eknath Lotanrao Chavan. Due to suppression of material facts, Committee has issued show cause notice to validity holder Ritesh. It is contended that, this is not a fit case to grant any relief to the petitioner on the ground of parity.

4. We have considered submissions of the parties. The relationship of the petitioner with the validity holder Ritesh is not disputed. It is also not disputed that Deepak suffered order of invalidation, who is also related to the petitioner. But invalidation does not operate as *res-judicata*. For objective scrutiny the material before the Committee is likely to be different. Therefore, petitioner cannot be denied the social status on the ground of invalidation of Deepak.

5. It reveals from the record that following pre-constitutional record having greater probative value was before the Committee and would corroborate tribe claim :

Sr. No.	Name of Person	Caste	Date
1.	Lotan Rupsing Thakur	Hindu Thakur	03.10.1907
2.	Potat Gaba Chavan	Hindu Thakur	07.11.1926
3.	Dhoman Gaba Thakur	Hindu Thakur	04.05.1936
4.	Shantilal Lotan Rupla	Thakur	14.09.1938
5.	Dhoman Gaba Thakur	Thakur	07.06.1944

6. Though, learned A. G. P. has shown contrary entry of Kashinath and Eknath of 1950, the entries favourable to the petitioner are prior in point of time. When self same record has already been scrutinized in case of validity holder Ritesh, it would not be appropriate to deprive the petitioner from same social status.

7. The petitioner is ready to run the risk of facing consequences as contemplated in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others judgment dated 27 July 2018 in W. P. No. 5611 of 2018.** Though show cause notice has been issued to the validity holder, reverification is not likely to be concluded within short time. The petitioner is entitled to receive validity subject to outcome of reverification. In view of above, we pass following order :

O R D E R

- a. The writ petition is partly allowed.
- b. Impugned order dated 25.07.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- c. The respondent No. 2/Scrutiny Committee shall immediately issue certificate of validity to the petitioner of 'Thakur' (Scheduled Tribe) in prescribed proforma G without incorporating any conditions.
- d. Certificate of validity would be subject to the outcome of

reverification undertaken by the Committee of the validity holder.

e. Petitioner shall not be entitled to claim equities.

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

bsb/Aug. 24