



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

**WRIT PETITION NO. 8389 OF 2024**

Trupti Yogesh 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 : 19 AUGUST, 2024.**

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

. Heard both the sides finally at the admission stage as there is exigency in the matter.

2 The petitioner is aggrieved by the judgment and order dated 05.07.2024 passed by the respondent No. 2/Scrutiny Committee confiscating and invalidating her tribe certificate of 'Thakur' scheduled tribe, though there was validity certificate issued to her father Yogesh.

3. Learned counsel for the petitioner submits that petitioner's father Yogesh was issued with the validity certificate after following due procedure of law and considering school record of grandfather of the petitioner. She would also rely on the school

record of cousin grandfather Mohan of the year 1947. The learned counsel would further submit that petitioner's father was issued with the validity certificate on the basis of validity issued to Ambadas Baburao Chavan and the relationship of the petitioner with Ambadas was established by the genealogy given by the petitioner's mother and grandfather before the Committee.

4. Per contra, learned Assistant Government Pleader would vehemently oppose the submissions of the petitioner. He tenders on record original papers of petitioner and her father. He would submit that the genealogies produced on record before the Committee are inconsistent. There is reason to raise suspicion about relationship between Ambadas and the petitioner or her father. He would point out statement of petitioner's mother Aruna recorded before the Committee. It is further pointed out that school record of Baburao and Sharda was found to have been tampered and would indicate caste as Hindu Thakar. He would submit that the Committee has properly decided the matter and no interference is called for.

5. We have considered submissions of the parties and also have gone through the original papers. In case of petitioner's father, there was a vigilance enquiry. The school record of petitioner's grandfather Manohar of 1957 was verified and found to be genuine. The affinity test was recorded in his favour. The committee while granting validity by a speaking order relied on validity issued to Ambadas Baburao Chavan. We find that in

view of the law laid down by the Supreme Court in the matter of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others reported in *2023 SCC Online SC 326*, the validity of petitioner's father would enure to her benefit of the petitioner. Unless it is revoked, the petitioner cannot be denied same social status.

6. We find that there were three genealogies before the Committee. First genealogy was given by petitioner's mother Aruna before vigilance officer on 29.02.2024, in which Ambadas was not shown to be related to the petitioner's father. During the course of hearing her mother on 03.04.2024 tendered a genealogy disclosing name of Ambadas Baburao Chavan as related to the petitioner's father and grandfather. The third genealogy was secured from the grandfather of the petitioner Manohar on 06.04.2024 in order to clarify the discrepancies in the earlier genealogies. The last genealogy given by the petitioner's grandfather puts an end to the controversy as to whether Ambadas is related to them or not. Ambadas is shown in it.

7. Earlier genealogies of petitioner's mother can be said to be incomplete. It is recorded by the Committee that Aurna in her statement recorded on 29.02.2024 had stated that Kisanrao, great grandfather of the petitioner had no real brother. We have gone through the statement of Aruna. She had stated that she was not knowing whether there was any real brother or sister to Kisanrao. In the next para she had stated that her father-in-law

Manohar was not having any brother or sister. The finding recorded by the Committee is perverse for entertaining doubt about relationship of Ambadas with the petitioner or his branch.

8. The school record of Baburao and Sharda indicating caste as Hindu Thakar was found to be tampered with. Hindu is not a caste, but religion. The word Maratha was found to be scored out in the record of both persons. Thakar and Thakur are appearing in the same entry No. 44 of the Constitutional order. Therefore, even Thakar cannot be regarded as an adverse entry. We are of the considered view that there is no contrary record in the matter.

9. The Committee has proposed reverification of validity of petitioner's father Yogesh. 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**. We find that the petitioner is entitled to receive conditional validity. We, therefore, pass following order :

### **O R D E R**

- a. The writ petition is partly allowed.
- b. Impugned order dated 05.07.2024 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 of Yogesh Thakur undertaken by the Committee.

e. Petitioner shall not be entitled to claim equities.

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

*bsb/Aug. 24*