



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

WRIT PETITION NO. 8394 OF 2024

Vivek Vishnu Bhosale

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri S. C. Yeramwar, Advocate for the Petitioner.

Mrs. S. S. Joshi, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 04 SEPTEMBER, 2024.

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

. Heard both the sides finally as the petitioner wants to prosecute further studies.

2. The petitioner is aggrieved by the judgment and order dated 02.08.2024 passed by the respondent No. 2/Scrutiny Committee invalidating his tribe certificate of Scheduled Tribe 'Thakar' He would rely on validity certificate of his real cousin Umesh and cousin uncles Yogesh and Nilesh.

3. The learned counsel for the petitioner submits that self same record was considered earlier while granting validity certificates and, therefore, the petitioner is entitled to the same social status. He would advert our attention to school record of Ananda Bapu Bhosale of 1932 and revenue record of

Ramchandra Bapu Thakar, which is pre-independence period having grater probative value. It is submitted that the impugned judgment and order is perverse and arbitrary as the clinching record has been overlooked.

4. The learned Assistant Government Pleader supports the impugned judgment and order. She tenders on record original papers of petitioner and that of earlier validity holder Umesh Sadashiv Bhosale. It is contended that the Committee is justified in discarding the validity certificates. She would lay emphasis on the school record of Yamuna Anandrao Bhosale of the year 1976, which was found to be tampered with and that of Ananda Bapu Bhosale, which was found to be bogus. According to her the Committee has rightly considered the material placed before it and no interference is called for.

5. With the assistance of the learned A. G. P. we have gone through the original papers. We have also considered rival submissions of the parties. There is no dispute that petitioner's real cousin Umesh and cousin uncles Yogesh and Nilesh are the validity holders. The school record of Ananda Bapu Bhosale, great grandfather of the petitioner of the year 1932 and revenue record of Ramchandra Bapu Thakar would indicate tribe as Thakar. This record of pre-independence period is having greater probative value. The submission is fortified by the law laid down by the by coordinate bench of this Court, in the matter of Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee and others reported in *2010(6) Mh.L.J. 401*.

6. The incompatible school record of Yamuna Anandrao Bhosale of the year 1976 is of the subsequent period than the pre-constitutional record. The school record of Ananda Bapu Thakar though is reported to be bogus is not sufficient to deny the social status to the petitioner. We cannot embark upon the scrutiny as to whether earlier validities are obtained by fraud. It would be the look out of the Committee while conducting reverification.

7. The Committee has issued show cause notices to the earlier validity holders. The petitioner cannot be made to wait till the conclusion of reverification. He is ready to run the risk of facing consequences in view of the judgment 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 impugned judgment and order is unsustainable. He is entitled to receive validity certificate conditionally. We, therefore, pass following order.

ORDER

- (i) The writ petition is allowed partly.
- (ii) The impugned judgment and order dated 08.08.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- (iii) The respondent No. 2/Scrutiny Committee shall issue caste

validity certificate to the petitioner as belonging to 'Thakar' Scheduled Tribe immediately in prescribed proforma.

(iv) The validity certificate of the petitioner shall be co-terminus with validities of which reverification is undertaken by the Committee.

(v) The petitioner shall not be entitled to claim equities.

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

bsb / Sept. 24