



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

WRIT PETITION NO. 9908 OF 2022

SUBHASH RATAN THAKUR

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...

Shri Ramchandra K. Mendadkar and Shri Chintamani K.
Bhangoji, Advocates for the Petitioner.

Ms. V.N. Patil Jadhav, AGP for Respondent Nos.1 and 2/State.

...

CORAM : MANGESH S. PATIL

&

PRAFULLA S. KHUBALKAR, JJ.

DATE : 03rd December, 2024

Per Court :-

We have heard both the sides finally at the stage of admission.

2. The petitioner is challenging the order of respondent No.2/Scrutiny Committee in the proceedings under Section 7 of the Maharashtra Act No.XXIII of 2001 refusing to validate his 'Thakur', Scheduled Tribe certificate.

3. We are taken aback by the approach of the Scrutiny Committee in wasting time in writing, rather copy pasting and

passing the order running into 20 pages and conveniently overlooking the fact that the petitioner's son was held entitled to have a certificate of validity by the order of this Court. Though the Scrutiny Committee has tried to assign elaborate reasons why it was not persuaded by several validities relied upon by the petitioner, which were issued by the predecessor Committees, it has conspicuously omitted to whisper as to why the validity of the son Pritesh cannot enure to petitioner's benefit. This is clearly an abdication of duty by the Scrutiny Committee.

4. It is common knowledge as to how the red-tapism works. This is an example which substantiates such perception in the society. Either the members of the Scrutiny Committee are incompetent or they have done it deliberately for extraneous reasons, else, inspite of noting that Pritesh was granted a certificate of validity by the order of this Court, it would not have simply ignored it. This is highly unbecoming of the members of the Scrutiny Committee. We are restraining ourselves in issuing positive directions qua the members of the Committee. We simply point out these circumstances which buttresses the common perception in the society.

5. In the light of above, the Writ Petition is allowed. The impugned order is quashed and set aside. The Scrutiny Committee shall immediately issue a certificate of validity to the petitioner.

kps

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)