



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

WRIT PETITION NO. 9334 OF 2024

UNNATI NARENDRAKUMAR THAKUR

VERSUS

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

...

Advocate for Petitioner : Mr. Phatale Sagar S
AGP for Respondents/State : Mr. V.M. Jaware

...

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

DATE : 03 SEPTEMBER 2024

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

. Heard both the sides in view of the urgency in the matter.

2. The petitioner is challenging the judgment and order dated 29.08.2024, invalidating his tribe certificate of Thakur scheduled tribe. She is relying on validity certificates of her father – Narendrakumar and her real brother – Pratik. She is also relying on voluminous documentary evidence which was already considered in the matters of her brother and father. On the ground of parity, she claims validity certificate. Learned advocate for the petitioner submits that the petitioner is ready to abide by the law laid down in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018.

3. Learned AGP opposes the submission of the petitioner. He would submit that the Committee has rightly passed impugned judgment and order. The validity certificates are not reliable. The Committee has issued show cause notices to the validity holders.

4. There is no dispute that the petitioner's father and brother were issued with validity certificates. We have gone through the order dated 20.12.2021 passed in the matter of Pratik in Writ Petition No.13820/2021 issuing validity certificate. We propose to rely upon same reasoning and follow the same course. It reveals that the pre-constitutional record has already been scrutinized and found to be genuine which would corroborate the petitioner's claim. As the selfsame record has already been considered, the petitioner is also entitled to receive the validity certificate.

5. The petitioner is ready to run the risk of facing the consequences contemplated in the matter of Shweta Balaji Isankar (supra). Therefore, she deserves validity certificate conditionally. We, therefore, pass following order :

ORDER

- (i). The writ petition is partly allowed.
- (ii) The impugned order dated 29.08.2024 is quashed and set aside.
- (iii) The respondent/Committee shall immediately issue tribe

validity certificate to the petitioner as belonging to 'Thakur' scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the Committee has decided to re-open.

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

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb.