



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

WRIT PETITION NO. 9713 OF 2024

ARYAN PRASHAS THAKUR

VERSUS

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

...

Advocate for Petitioner : Mr. Yeramwar Sushant C

Addl.GP for Respondents/State : Mr. P.S. Patil

...

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

DATE : 12 SEPTEMBER 2024

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

1. Heard both the sides finally considering the exigency in the matter.

2. The petitioner is challenging the judgment and order dated 02.08.2024 passed by the Scrutiny Committee, invalidating his tribe claim. He is relying on validity certificates issued to his father – Prashas, real uncle – Vikas, cousin uncle – Bhushan and Ravindra.

3. Learned Counsel for the petitioner submits that cousins uncle of the petitioner – Ravindra and Bhushan were issued with certificates of validity pursuant to the orders of High Court without incorporating any condition. It is further submitted that the old record was considered by High Court while granting validity and therefore impugned judgment and order is discriminatory and arbitrary.

4. Learned AGP supports impugned judgment and order. He would submit that there was incompatible school record and tampering of the record also. The Committee has taken plausible and reasonable view. Though the validity certificates were issued by High Court to the cousin uncles of the petitioner, considering suppression of material facts, the Committee is likely to file review application.

5. We have considered the rival submissions of the parties. We have gone through the genealogy shown by the learned Counsel for the petitioner. Petitioner's father Prashas and real uncle -Vikas were issued with validity certificates. Besides that his cousins uncle – Ravindra and Bhushan were also issued with validity certificates.

6. It reveals from record that in the matter of Bhushan, while granting validity certificate, old record was considered which was referred to in paragraph no.4 of its judgment. In the same judgment in paragraph no.7, the validities issued to petitioner's father – Prashas and his uncle Vikas were also referred to. It is evident that selfsame record has already been considered by the coordinate bench. The record is of pre-independence period and would carry greater probative value.

7. We have also gone through another validity issued pursuant to the order of High Court in Writ Petition No.5313/2022 to Ravindra Thakur, cousin uncle of the petitioner. A clear validity was issued to him as is done in case of Bhushan Thakur. It reveals from record that

by way of application dated 04.07.2024, the claimant produced these two orders of High Court before the Committee alongwith affidavit of Ravindra Thakur, the validity holder. The Committee has not referred to the orders passed by coordinate benches. According to us, this amounts to perversity.

8. We find that the impugned judgment and order is unsustainable. It is desirable to issue validity certificate ot the petitioner. We, therefore, pass following order :

ORDER

- (a) The writ petition is allowed partly.
- (b) The impugned judgment and order dated 02.08.2024 is quashed and set aside.
- (c) 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 review likely to be filed by the Committee in the matter of Ravindra and Bhushan.
- (d) The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]