



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9880 OF 2024

PRITHVIRAJ KALYAN CHAVAN
VERSUS
THE STATE OF MAHARASTHRA AND OTHERS

...
Advocate for Petitioner : Mr. Anandsingh S. Bayas
AGP for Respondent/s – State : Mr. P.S. Patil

...
CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.
DATE : 09 SEPTEMBER 2024

PER COURT :

Heard both the sides as the petitioner has secured admission in a college and the validity certificate is necessary to retain the admission.

2. The petitioner is taking exception to the judgment and order dated 06.09.2024, confiscating and invalidating his tribe certificate of scheduled tribe 'Thakar'. He seeks to rely on validity of his father Kalyan Dattatraya Chavan which is stated to have been issued after following due procedure of law.

3. Learned counsel for the petitioner submits that no contrary entry was found during vigilance enquiry. There is old school record to corroborate the claim of the petitioner which is discarded arbitrarily by the Committee. It is submitted that he is entitled to an absolute validity.

4. Learned AGP supports impugned judgment and order. He tenders on record original papers of validity holder Kalyan

Dattatraya Chavan. He would submit that though few of the entries disclose caste as 'Thakar' but it is not scheduled tribe 'Thakar' but it is upper caste. The Committee is taken plausible and reasonable view considering all aspects of the matter.

5. We have considered submissions of the parties and also have gone through original papers of petitioner's father. It reveals from record that during vigilance the Committee discovered school entries of blood relatives of the petitioner disclosing caste as 'Thakar' namely Rakhmabai Dadaba Thakar of 1951 and Dattatraya Dadaba Thakar of 1956. In case of his father vigilance enquiry was conducted and above old record was verified. Besides that, a Fasli – preconstitutional school record of Bhau Govind Thakar and school record of Bhalchandra Laxman Thakar 1942 was also verified. His father was issued with validity certificate by a speaking order. We find that his father was issued with the validity certificate by following due procedure of law and it would enure to the benefit of the petitioner.

6. The self same record has been verified by the Committee in case of his father. The pre-independence school record of the blood relatives has greater probative value. We find that the Committee arbitrarily discriminated petitioner in refusing to validate his tribe certificate. There is no reason to impose any condition for issuing validity to the petitioner. The impugned judgment and order is liable to be quashed and set aside. We, therefore, passed following order :

ORDER

- i. The writ petition is allowed.

ii. The impugned judgment and order dated 06.09.2024 passed by respondent no. 2 /Scrutiny Committee is quashed and set aside.

iii. Since the petitioner is required to submit the certificate of validity to secure admission today itself and has been allotted a college at Pune, the respondent no. 2 – Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to ‘Thakar’ scheduled tribe in the prescribed proforma.

iv. Learned AGP and the Law Officer of the Committee who are present, shall ensure that the decision is immediately communicated to the Committee.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]