



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

50 WRIT PETITION NO. 14458 OF 2021

Prashant s/o Tukaram Thakur,
Age 39 years, Occ. Service,
R/o. Thakur Galli, Dondaicha
Tq. Sindkheda, Dist. Dhule

... Petitioner

VERSUS

- 1) The State of Maharashtra
Department of Tribal Development,
Mantralaya Mumbai – 32
Through its Secretary.
- 2) The Scheduled Tribe Certificate
Scrutiny Committee, Nashik
Division, Nashik,
Through its Member Secretary.
- 3) The Sub Divisional Officer,
Dhule, Tq. & Dist. Dhule.
- 4) The Executive Engineer,
Maharashtra State Electricity
Distribution Co. Ltd.,
Dondaicha Division, Dondaicha,
Tq. Sindkheda, Dist. Dhule

... Respondents

Advocate for Petitioner : Mr. Deepak Choudhari h/f Mr. Yeramwar Sushant
C.

A.G.P for Respondent nos. 1 to 3/State : Mrs. V.N. Patil-Jadhav

CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.

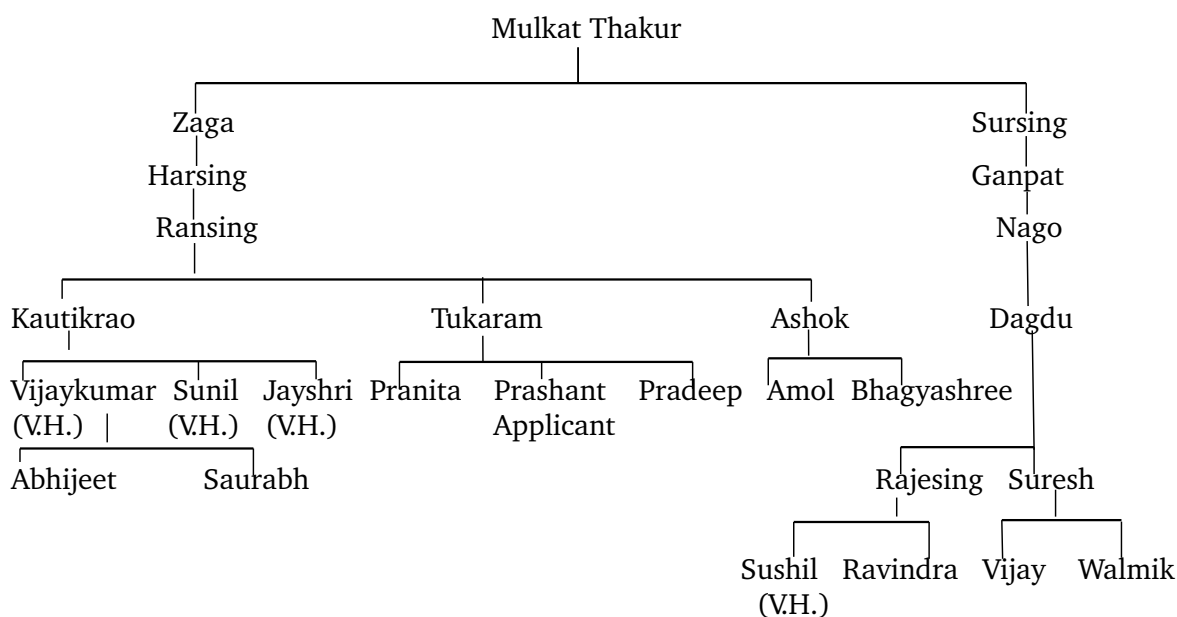
DATE : 02.12.2024

PER COURT :

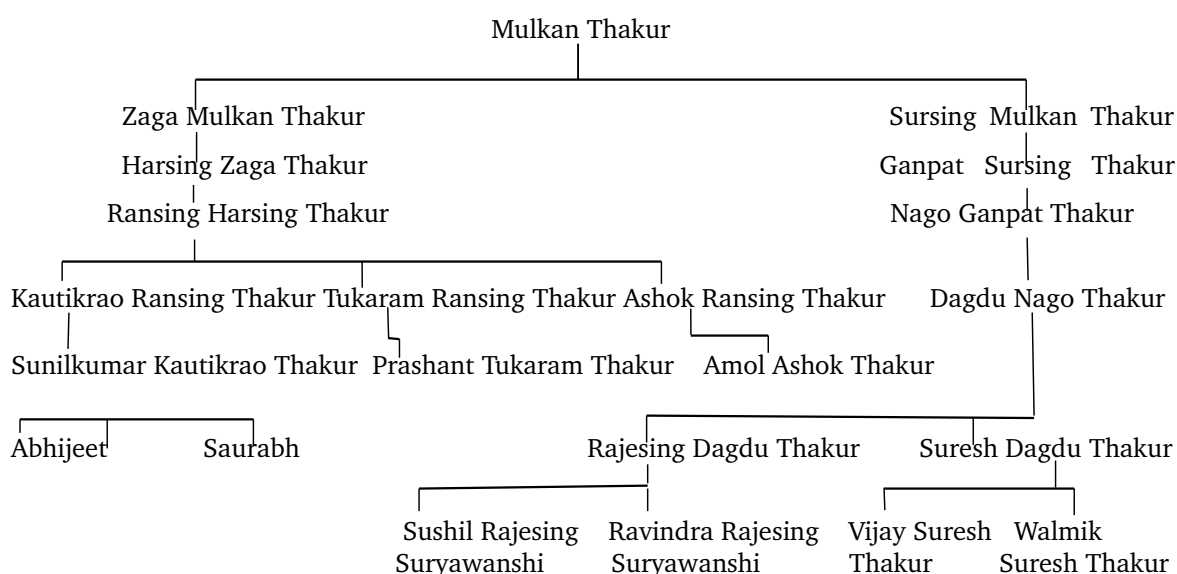
We have heard both the sides finally at the stage of admission.

2. The petitioner is challenging the order of the scrutiny committee dated 28.06.2006, whereby his 'Thakur' scheduled tribe certificate has been discarded by the respondent-scrutiny committee.

3. As is being pointed out by the learned advocate for the petitioner, he is relying upon following genealogy:



4. As can be noticed, during the course of vigilance enquiry, the following genealogy was furnished by the petitioner:



5. It is now being mentioned in the petition that though Sunil Kautikrao Thakur, is petitioner's first degree cousin and his claim was validated way

back in the year 2003, the petitioner had not relied upon his validity as can be seen from the entire file. The petitioner has now been pointing out some excuse and even subsequent validities granted by this Court to real brother and sister of Sunil, Vijaykumar and Jayshree. According to him he was not having knowledge about all these validities, when he had lodged the claim.

6. Considering the difference in the genealogy, may be to the extent of showing Sunil as the only son of Kautikrao and the stand of the petitioner in not referring to his validity, makes it abundantly clear that an enquiry into the blood relationship of the petitioner with these validity holders is necessary.

7. When the committee has not been able to undertake any scrutiny in respect of petitioner's claim in light of the validity possessed by Sunil Kautikrao Thakur who, now the petitioner claims to be his first degree cousin, it would be appropriate that the matter is remitted back to the committee.

8. The writ petition is allowed partly.

9. The impugned order is quashed and set aside. The committee shall decide the petitioner's proposal only on the touchstone of the validity possessed by Sunil Kautikrao Thakur and the subsequent validities granted to his real brother Vijaykumar and real sister Jayshree.

10. The petitioner shall appear before the committee on 09.12.2024 and the committee shall thereafter decide the proposal within four weeks thereafter, if necessary, by undertaking a vigilance enquiry.

(PRAFULLA S. KHUBALKAR J.)

(MANGESH S. PATIL, J.)

mkd/-