



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3013 OF 2024

Kishor Naryan Thakur

... Petitioner

VERSUS

1) The State of Maharashtra
and others

... Respondents

...

Advocate for Petitioner : Mr. Wagh Mukulanand R.
A.G.P. for Respondent Nos. 1 & 2 : Mr. R.S. Wani

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

DATE : **13.11.2024**

PER COURT :

Heard both the sides.

2. The petitioner is challenging the order of respondent no. 2-scrutiny committee in a proceeding under Section 7 of the Maharashtra Act XXIII of 2001, refusing even to consider his claim for validation of his Thakur scheduled tribe certificate issued by a competent authority from District Jalgaon, on the ground that the documents before it were demonstrating that as on the date of the Presidential Order, the family was resident of Jalgaon Jamod, district Buldhana.

3. Conspicuous absence of a specific reference to any particular piece of evidence makes it abundantly clear that the committee has abdicated its duties. Factually the committee may be correct, however, the impugned order does not refer to any piece of evidence. The observations are vague and omnibus and cannot stand the scrutiny of law particularly in respect of the decisions of a quasi judicial authority. It has also not been made

abundantly clear as to if at all any vigilance enquiry was conducted. The learned advocate for the petitioner, on instructions, emphatically states that no such enquiry was conducted through the vigilance cell.

4. As has been pointed out by the learned A.G.P, indeed, there seem to be the school leaving certificates of petitioner's ancestors issued by a school located in Jalgaon Jamod, district Buldhana. However, simultaneously, even the petitioner has produced extract of Form 14/birth and death register of the year 1938 of his ancestor showing him to have died at village Changdeo, Tq. Aaidlabad, which falls in Jalgaon district.

5. It is in light of such peculiar state of affairs, it would be appropriate that the committee undertakes a fresh scrutiny by resorting to the vigilance enquiry to ascertain if the petitioner's father had obtained the tribe certificate from the place of native and thereby enabling it to undertake scrutiny in a proceeding under Section 7.

6. The writ petition is allowed partly.

7. The impugned order is quashed and set aside. The committee shall decide the matter afresh by resorting to a vigilance enquiry and in the light of above observation. The petitioner shall be at liberty to produce documents and the committee shall thereafter decide the matter threadbare within six months of petitioner's appearance before it.

8. The petitioner shall appear before the committee on 25.11.2024.

(PRAFULLA S. KHUBALKAR J.)

(MANGESH S. PATIL, J.)

mkd/-