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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5442 OF 2021

Vishnu Sadashiv Bhosle
Age – 38 years, Occ – Service
R/o At – Koyal, Post – Pimpla,
Taluka – Ashti, District - Beed

PETITIONER

VERSUS

1. The State of Maharashtra
Department of Tribal Development
Mantralaya, Mumbai-32,
Through its Secretary

RESPONDENTS

2. The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad Division,
Aurangabad
Through its Member Secretary

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Mr. Sushant C. Yeramwar, Advocate for the Petitioner
Mr. G. A. Kulkarni, AGP for Respondent - State
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[CORAM : NITIN B. SURYAWANSHI, &
VAISHALI PATIL-JADHAV, J. J.]

DATE : 18th NOVEMBER, 2025

ORAL JUDGMENT (PER NITIN B. SURYAWANSHI, J.) :

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the learned Advocates for the parties.

2. This Petition challenges decision of the Scrutiny Committee dated 14th February, 2021, invalidating the tribe claim of the Petitioner that he belongs to 'Thakar' Scheduled Tribe.

3. Heard learned Advocate for the Petitioner and learned AGP for the Respondent – State. Perused the record made available by the learned AGP.

4. This Court, by order dated 4th September, 2024 allowed Writ Petition No. 8394 of 2024 filed by the son of the Petitioner and directed the Committee to immediately issue him Tribe validity certificate as belonging to Thakar Scheduled Tribe, by making following observations:

“5. With the assistance of the learned A. G. P. we have gone *through the original papers. We have also considered rival submissions of the parties. There is no dispute that Petitioner’s real cousin Umesh and cousin uncles Yogesh and Nilesh are the validity holders. The school record of Ananda Bapu Bhosale, great grandfather of the Petitioner of the year 1932 and revenue record of Ramchandra Bapu Thakar would indicate tribe as Thakar. This record of pre-independence period is having greater probative value. The submission is fortified by the law laid down by the coordinate bench of this Court, in the matter of Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee and Others reported in 2010 (6) Mh.L.J. 401.*

6. *The incompatible school record of Yamuna Anandrao Bhosale of the year 1976 is of he subsequent period than the pre-constitutional record. The school record of Ananda Bapu Thakar though is reported to be bogus is not sufficient to deny the social status to the petitioner. We cannot embark upon the scrutiny as to*

whether earlier validities are obtained by fraud. It would be the look out of the Committee while conducting reverification.

7. *The Committee has issued show cause notices to the earlier validity holders. The petitioner cannot be made to wait till the conclusion of reverification. He is ready to run the risk of facing consequences in view of the judgment in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and Others judgment dated 27 July 2018 in W.P. N. 5611 of 2018**. We find that impugned judgment and order is unsustainable. He is entitled to receive validity certificate conditionally”.*
6. The Petitioner’s case is squarely covered by the aforestated observations. Hence, the following order:

ORDER

- (i) The Writ Petition is partly allowed.
- (ii) The impugned judgment and order dated 14th February, 2021 passed by Respondent No. 2 / Scrutiny Committee is quashed and set aside.
- (iii) Respondent No. 2 / Scrutiny Committee shall issue tribe validity certificate to the Petitioner as belonging to “Thakar” Scheduled Tribe immediately in prescribed proforma.
- (iv) The Validity certificate of the Petitioner shall be co-

terminus with validities of which reverification is undertaken by the Committee.

(v) The Petitioner shall not be entitled to claim equities.

(vi) Rule is made absolute in aforesaid terms.

[VAISHALI PATIL-JADHAV]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE