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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5397 OF 2009

(Mrunal s/o Laxman Thakur Vs. The State of Maharashtra and Others)

Mr.A.S.Golegaonkar, Advocate for the petitioner.

Mr.S.V.Hange, AGP for respondent Nos. 1 to 4.

(CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.)

DATE : JANUARY 24, 2025

PER COURT : (Per Prafulla S.Khubalkar, J.)

1. Heard the learned Advocate for the petitioner and the learned AGP for State at the stage of final hearing.

2. The instant petition takes exception to the order dated 08.07.2009 passed by respondent No.2 / Caste Scrutiny Committee, invalidating the petitioner's caste claim for 'Thakur' Scheduled Tribe.

3. The instant petition was admitted by order dated 28.06.2011 and the ad-interim relief was continued.

4. By the impugned order, the Committee has invalidated the

petitioner's caste claim by observing that the petitioner failed to establish her claim on the basis of documentary evidence as well as on account of failure to prove affinity. The Committee opined that although the documents submitted by the petitioner showed the caste of her forefathers as 'Thakur', however, their residence being not from the scheduled area, the documents were not helpful to establish that the family belonged to backward 'Thakur' caste. The Committee discarded all the documents of pre-constitution era and concluded that the petitioner's claim failed on account of lack of documentary evidence. The Committee observed that the petitioner also failed to establish her affinity with 'Thakur' Scheduled Tribe and mainly on these two counts, the claim is invalidated directing initiation of action u/s 10(1)(2) of the Maharashtra Scheduled Castes and Scheduled Tribes, V.J. N.T.'s Other Backward classes and S.B.Categories (Regulation of Issuance and Verification of) Caste Certificate Act 2000 (Maharashtra Act No.XXIII of 2001).

5. Assailing the order passed by the Scrutiny Committee, the learned Advocate Mr.Golegaonkar for the petitioner vehemently submits that the Committee has erred in invalidating the caste claim

in view of ample documentary evidence of high probative value including the documents of pre-constitution era. The main thrust of arguments is on the judgment dated 30.08.2024 in WP No.4644/2009 in the matter of real sister of the petitioner Trupti d/o Laxman Thakur, which was decided with WP No.4743/2009 which was the matter of father of the petitioner Laxman s/o Mohansing Thakur. It has to be noted that WP No.4644/2009 was decided on the basis of validity in favour of Prakash Mohansing Thakur, who is real brother of petitioner's father.

6. On behalf of the respondents, the learned AGP submits that although the writ petitions of petitioner's father and real sister were decided, the petitioner's claim will have to be independently decided on the strength of the documents submitted by her in support of her caste claim.

7. It is pertinent to note that there is no dispute about the relationship and the decisions in the matter of petitioner's father and real sister. It is relevant to note that the documents submitted by the petitioner were subject matter of scrutiny in those writ petitions and by

judgment dated 30.08.2024, the writ petitions of father and real sister of the petitioner were allowed.

8. The position of law with respect to decision of caste claims by considering validity of blood relatives is well settled in the judgments of **Apoorva D/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Ors.** reported in 2010 (6) Mh.L.J. 401 and **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and Others**, Civil Appeal No.2502/2022 (AIR 2023 SC 1657 = (2023) 3 S.C.R. 1100).

9. In view of the validity in favour of petitioner's father and real sister, the instant petition needs to be allowed and it will be an anomalous situation if petitioner's claim for social status is invalidated.

10. For the reasons recorded in the judgment of petitioner's father and real sister, the instant petition is also allowed. Hence, we pass the following order :-

[a] The writ petition is allowed. The impugned order dated 08.07.2009, passed by respondent No.2 / Caste Scrutiny Committee is quashed and set aside.

[b] Respondent No.2 / Caste Scrutiny Committee is directed to immediately issue validity certificate of 'Thakur' Scheduled Tribe in favour of the petitioner in prescribed proforma.

[c] The validity certificate shall be issued subject to re-verification, if any, undertaken by the Committee.

[d] The petitioner shall not be entitled to claim equities.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)