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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6119 OF 2023

Eknath Liladhar Thakur,
Age: 57 years, Occ : Service,
R/o. M/p Thakurwada,
Tq. Dharangaon,
Dist. Jalgaon
At present resident of
Plot No.48, Pragati Nagar,
Jail Road, Nashik

....PETITIONER

VERSUS

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

2. Sub Divisional Officer,
Erandol, Dist. Jalgaon

3. Scheduled Tribe Certificate
Scrutiny Committee, Dhule,
Through its Member Secretary

....RESPONDENTS

....

Mr D. B. Shinde, Advocate for petitioner
Ms P. J. Bharad, A.G.P. for respondents/State

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 18th February, 2025

JUDGMENT (PER : PRAFULLA S. KHUBALKAR, J.)

1. Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

2. The petitioner craves leave to delete respondent Nos.4 and 5. Leave is granted. The petitioner to carry out amendment forthwith.

3. By this petition under Article 226 of the Constitution of India, the petitioner assails the order dated 27/04/2023, passed by respondent No.3/Scheduled Tribe Certificate Scrutiny Committee, Dhule, invalidating petitioner's claim for '*Thakur*' Scheduled Tribe in a proceeding under Section 7 of Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000/Maharashtra Act No.XXIII of 2001.

4. The committee has observed that the petitioner failed to establish his claim on the basis of documentary evidence, as well as on account of failure to prove affinity with '*Thakur*' Scheduled Tribe.

5. Mr D. B. Shinde, learned advocate for the petitioner submits that the petitioner has established his claim on the basis of

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ample documentary evidence. On the basis of certificates of validity of Pundalik Liladhar Thakur, his real brother, and Ramchandra Baburao Thakur, his cousin brother, he vehemently submits that the petitioner is entitled for validation of his claim. He submits that the general observation of the committee that the validities were obtained by suppression of facts demonstrates erroneous approach on the part of the committee since no fraud is proved to disbelieve the validities.

6. Per contra, Ms. P. J. Bharad, learned A.G.P. justifies the impugned order. It is submitted that there was a negative vigilance cell report in the matter of Pundalik Liladhar Thakur, and in the matter of Ramchandra Baburao Thakur, there was a short order referring only to the decisions in two other writ petitions. She vehemently submits that the validities in favour of Pundalik and Ramchandra have no conclusive value to decide petitioner's caste claim and the committee has rightly discarded these validity certificates.

7. We have considered the rival submissions and perused the original file in the matter of Eknath Liladhar Thakur (petitioner), Pundalik Liladhar Thakur and Ramchandra Baburao Thakur.

8. Perusal of original record of Pundalik Liladhar Thakur reveals that, by a reasoned order dated 28/11/2019, the committee has

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validated his claim by relying upon the validity of Ramchandra Baburao Thakur (cousin brother). Perusal of original record of Ramchandra Baburao Thakur reveals that, by order dated 07/03/2005, the committee has validated his claim on the basis of a positive vigilance cell enquiry report and in view of the decisions of this Court in Writ Petition No.3153/1996 and Writ Petition No.4156/1996. It is thus clear that claim of Ramchandra was validated by a reasoned order which was basis of validity of claim of Pundalik, and the petitioner, being real brother of Pundalik, is entitled to derive benefit.

9. The petitioner has filed on record affidavit of genealogy which shows his relationship with the validity holders. The relation of petitioner with validity holders is not disputed. It has to be seen that the claims of validity holders were decided by following due procedure and in view of the law laid down in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others, [AIR 2023 Supreme Court 1657]**, the petitioner is entitled to claim benefit of their validities.

10. As regards opposition of respondents alleging suppression of documents while deciding the claims of validity holders, it has to be noted that, although the committee has expressed its intention to

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reopen their cases, as on today, their validity certificates are in force. In view of the judgment of the Principal Seat dated 27/07/2018 in the matter of **Shweta Balaji Isankar vs. The State of Maharashtra and others, [2018 SCC OnLine Bom 10363]** (Writ Petition No.5611/2018), the petitioner is entitled for grant of validity which has to be co-terminus with the validity of petitioner's real brother Pundalik and cousin brother Ramchandra. Hence we pass the following order :-

- (a) The writ petition is partly allowed.
- (b) The impugned order dated 27/04/2023, passed by respondent No.3/scrutiny committee is quashed and set aside to the extent of petitioner.
- (c) Respondent No.3/scrutiny committee is directed to issue validity certificate to the petitioner of belonging to '*Thakur*' Scheduled Tribe, which shall be subject to final outcome of the matter which the Committee has decided to re-open.
- (d) The petitioner shall not claim any equities.

11. Rule is made partly absolute in above terms.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)
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