



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

WRIT PETITION NO.339 OF 2009

Shri Kauntay s/o Sudam Suryawanshi,
Age : 19 years, Occupation : Student,
R/o Flat No.4, Shanti Sankalp Building,
New Pandit Colony, Sharnapur Road,
Nashik.

...PETITIONER

-VERSUS-

1. The State of Maharashtra.
Department of Tribal Development,
Mantralaya, Mumbai-32.
Through its Secretary.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Nandurbar Division,
Nandurbar.
3. The Sub Divisional Officer,
Sub Division, Bhusawal,
Dist. Jalgaon.

...RESPONDENTS

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Shri A.S. Golegaonkar, Advocate for the Petitioner.
Ms. P.J. Bharad, AGP for Respondent Nos.1 to 3/State.

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

DATE : 27th February, 2025.

JUDGMENT (Per Prafulla S. Khubalkar, J.) :-

Heard advocate Shri A.S. Golegaonkar for the

petitioner and advocate Ms. P.J. Bharad, learned AGP for the respondents/ State.

2. By order dated 01.04.2009, rule was granted in this matter with interim relief in favour of the petitioner. Today, the matter is taken up for final hearing and the parties are heard extensively.

3. The petitioner has taken exception to the order dated 28.08.2008 passed by respondent No.2 Scrutiny Committee invalidating his claim for 'Thakur', Scheduled Tribe. By the impugned order, respondent No.2 Scrutiny Committee has inferred that the petitioner has failed to establish his claim on the basis of documentary evidence as well as on account of failure to prove affinity with 'Thakur' tribe.

4. Advocate Shri Golegaonkar for the petitioner has vehemently submitted that the Committee has adopted an erroneous approach to appreciate documentary evidence, which consistently showed the tribe as 'Thakur'. Amongst other documents, reliance is placed on the validity certificate of the petitioner's father (Sudam Deoram Suryawanshi) dated 15.09.2004. It is submitted that in view of the validity of Sudam,

Writ Petition No.3918/2007 filed by his cousin brother Dinesh Vasantryao Suryawanshi was allowed by judgment dated 22.03.2024 thereby, validating the claim of Dinesh. It is submitted that the Committee has adopted an erroneous approach in discarding the validity of Sudam.

5. *Per contra*, advocate Ms. Bharad, learned AGP for respondent Nos.1 to 3, has strenuously opposed the petition and justified the impugned order. She has submitted that the petitioner was required to prove his claim independently and could not simply rely on the validity of other persons.

6. We have considered the rival submissions and perused the papers including the original record in the matter of petitioner's father Sudam Deoram Suryawanshi, which is made available for our perusal.

7. It is pertinent to note that validation of the claim of the petitioner's father Sudam and their relationship are not disputed. Relying upon the validity of Sudam, Writ Petition No.3918/2007 filed by his cousin brother Dinesh was decided validating the claim of Dinesh.

8. Further, amongst other documents, the document in the nature of revenue record in the name of the petitioner's ancestors containing entry of land as 'tribe land' also shows that status of tribe was enjoyed by his father and his family, which is a crucial document, however, erroneously ignored by the Scrutiny Committee. We have perused the original file of Sudam which shows that on the basis of vigilance cell enquiry report, his claim was validated by a reasoned order. In view of the validity of Sudam, the petitioner is also entitled for validation of his claim in view of the law laid down in the matters of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and others, AIR 2023 SC 1657*** and ***Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur, [2010(6) Mh.L.J.401 : AIR 2010(6) Bom.R.21]***. Hence, we pass the following order:-

- (a) The Writ Petition is allowed.
- (b) The impugned order dated 28.08.2008 passed by respondent No.2 Scrutiny Committee is quashed and set aside.
- (c) Respondent No.2 Scrutiny Committee is directed to immediately issue a validity certificate of 'Thakur', Scheduled

Tribe, in favour of the petitioner.

(d) No order as to costs.

9. Rule is made absolute in the above terms.

kps

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