



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

WRIT PETITION NO. 10180 OF 2023

VISHWAS MADHUKAR BAGUL

VERSUS

**THE STATE OF MAHARASHTRA THROUGH TRIBAL
DEPARTMENT AND OTHERS**

....

Mr. M. R. Wagh, Advocate for the Petitioner

Mr. S. D. Ghayal, Addl. Government Pleader for Respondent Nos.
1 and 2

....

**CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 02.07.2025

PER COURT :-

1. In this Writ Petition on 01.09.2023 while issuing notice, interim relief was granted subject to the Petitioner submitting an appropriate undertaking as indicated in the said order.

2. The learned counsel for the Petitioner submits that an undertaking on affidavit was kept ready since 03.12.2023, but the same was inadvertently not filed on the record of the present

Petition. He submits that this Court may consider taking the additional affidavit of the Petitioner on record in compliance of the order dated 01.09.2023. The additional affidavit tendered on behalf of the Petitioner is taken on record.

3. It is submitted that vide impugned order dated 31.07.2023, the claim of the Petitioner as belonging to “Thakur” Scheduled Tribe has been rejected. The impugned order dated 31.07.2023 records that since the tribe claim of the relatives of the Petitioner was earlier rejected by order dated 14.11.2022 passed by the Committee, the claim of the Petitioner also deserves to be rejected. Apart from this, the Scrutiny Committee also gave reasons as to why the tribe claim of the Petitioner could not be accepted.

4. It is brought to the notice of this Court that Writ Petition No.3569 of 2024 filed by the relative of the Petitioner i.e. Swapnil Shivaji Bagul, was partly allowed by order dated 11.06.2025. Therefore, it is submitted that this Court may consider the case of the Petitioner by allowing the present Petition also.

5. We have perused the genealogy placed on record along with this Petition and we find that Ramchandra Maharuru Thakur is a common ancestor of the Petitioner as well as said Swapnil Shivaji Bagul.

6. Considering the aforesaid fact, the reasoning contained in paragraph No.6 of the order dated 11.06.2025, partly allowing Writ Petition No.3569 of 2024, would apply to the case of the Petitioner in this Petition also. Therefore, we are inclined to partly allow this Writ Petition for the reasons recorded in the aforesaid order.

7. The reasoning and the operative portion of the said order dated 11.06.2025 passed in Writ Petition No.3569 of 2024, reads as follows:-

“6. We have gone through the papers on record and also the original file of the Respondent No.2 Committee. There is Genealogy which was before the Respondent No.2 Committee, wherein Ramchandra Maharuru is shown as common ancestor. The said Genealogy shows that, Ranjeet was son of Vasant; Kisan was son of Ramchandra. The said Genealogy also shows the name of Madanlal, who was son of Mishrilal, who was the son of Kisan. This goes to show that, the said Vasant and Mishrilal are from blood relations of the Petitioner. There is no dispute that, the said uncles, are issued validity towards

“Thakur” – Scheduled Tribe by the Scrutiny Committee which are reopened by the Respondent No.2 Committee. The record of the Respondent No.2 Committee shows that, the entry of 1882 in the revenue record of the concerned villages shows the name of Ramchandra Maharaj Thakur. The impugned order does not show that the Committee has considered the said document. Considering the validities in the blood relation, the Petitioner is entitled for the conditional validity towards Thakur – Scheduled Tribe. Hence, we proceed to pass the following order :

ORDER

- (i) The Writ Petition is partly allowed.*
- (ii) The impugned order dated 14/11/2022, passed by the Respondent No.2 – Scrutiny Committee is quashed and set aside.*
- (iii) The Respondent No.2 - Scrutiny Committee shall issue the Tribe Validity Certificate in favour of the Petitioner as belonging to Thakur – Scheduled Tribe. The said validity shall be conditional, subject to the decision to be taken by the Respondent No.2 – Scrutiny Committee in the reopened cases of Ranjeet Vasant Bagul and Madanlal Mishrilal Bagul.*
- (iv) The Respondent No.2 – Scrutiny Committee shall issue Certificate of Validity to the Petitioner in the prescribed format without putting up any additional endorsement thereon.*
- (v) The Petitioner and their blood relations shall co-operate the Respondent No.2 – Scrutiny Committee in early decision of the reopened matters.*
- (vi) The Petitioner shall not be entitled to claim equities.*
- (vii) Writ Petition stands disposed of accordingly.”*

8. In view of above, the instant Petition is also partly allowed in the following terms:-

- (a) The Writ Petition is partly allowed.

- (b) The impugned order dated 31.07.2023, passed by the Respondent No.2 – Scrutiny Committee, is quashed and set aside in respect of the present Petitioner.
- (c) The Respondent No.2 – Scrutiny Committee, shall issue the Tribe Validity Certificate in favour of the Petitioner as belonging to “Thakur” Scheduled Tribe. The said validity shall be conditional, subject to the decision to be taken by the Respondent No.2 Scrutiny Committee in the reopened cases of Ranjeet Vasant Bagul and Madanlal Mishrilal Bagul.
- (d) The Respondent No.2 – Scrutiny Committee shall issue Certificate of Validity to the Petitioner in the prescribed format without putting up any additional endorsement thereon.
- (e) The Petitioner and his blood relatives shall cooperate the Respondent No.2 Scrutiny Committee in early decision of the reopened matters.
- (f) The Petitioner shall not be entitled to claim equities.
- (g) The Writ Petition stands disposed of accordingly. Pending Civil Applications, if any, also stand disposed of.

[Y. G. KHOBRAGADE, J.]

[MANISH PITALE, J.]