



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

WRIT PETITION NO.12604 OF 2021

Manoj s/o Jagannath Garud,
Age : 45 years, Occupation : Service,
R/o Gajanan Nagar, Karegaon Road,
Parbhani, Dist. Parbhani.

...PETITIONER

-VERSUS-

1. Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad Region,
Aurangabad.
Through its Member Secretary.
2. Education Officer (Primary),
Zilla Parishad, Parbhani,
Dist. Parbhani.
3. Chief Executive Officer,
Zilla Parishad, Parbhani,
Dist. Parbhani.

...RESPONDENTS

...

Shri Sagar S. Phatale, Advocate for the Petitioner.
Shri M.K. Goyanka, AGP for Respondent No.1/State.
Shri Bhagwat A. Shinde, Advocate for Respondent Nos.2 and 3.

...

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

DATE : 05th February, 2025

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

Heard advocate Sagar Phatale, for petitioner,

advocate M.K. Goyanka, learned AGP for respondent No.1 Scrutiny Committee and advocate Bhagwat Shinde for respondent Nos.2 and 3.

2. Rule. Rule made returnable forthwith and heard finally by consent of parties.

3. The petitioner has challenged the order dated 05.10.2021 passed by respondent No.1 Scrutiny Committee invalidating his claim for 'Thakur', Scheduled Tribe.

4. The impugned order is a common order in the matter of Prasad Jitendra Garud and the petitioner, they being from same family.

5. The impugned order was subject matter of scrutiny in Writ Petition No.12601/2021 filed by Prasad Jitendra Garud, which was decided by judgment dated 18.11.2021, by which, validity was granted to Prasad on the basis of the validity of his real brother Kunal in Writ Petition No.7460/2018 before the principal seat by judgment dated 30.07.2018. It has to be noted that the validities to Prasad and Kunal were granted subject to the final outcome of the matters of validity holders, which the

Scrutiny Committee has decided to reopen.

6. In view of the above, the petitioner is also entitled for validation of his claim on similar lines. Hence, we pass the following order:-

(a) The Writ Petition is partly allowed.

(b) The impugned order dated 05.10.2021 passed by respondent No.1 Scrutiny Committee is quashed and set aside also to the extent of the petitioner.

(c) Respondent No.1 Scrutiny Committee is directed to immediately issue a validity certificate of 'Thakur', Scheduled Tribe, in favour of the petitioner.

(d) The validity certificate to be issued to the petitioner, shall be subject to the final outcome of the matters of validity holders, which the Scrutiny Committee has decided to reopen.

(e) The petitioner shall not be entitled to claim equities.

(f) No order as to costs.

7. Rule is made absolute in the above terms.