



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 WRIT PETITION NO. 13404 OF 2023

Babi Pandrinath Salunke

VERSUS

The State Of Maharashtra Through Its Secretary And Others

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Mr. Digambar B. Shinde, Advocate for the Petitioner

Ms. S. S. Joshi, AGP for Respondents State

Mr. S. R. Dheple, Advocate for Respondent Nos. 4 and 5

CORAM : MANGESH S. PATIL &
Y. G. KHOBRADE, JJ.

DATE : 19th March, 2025

ORDER:

1. Heard learned advocate for the petitioner as also the learned AGP, finally.
2. The petitioner is challenging the judgment and order whereby the Scrutiny Committee has refused to validate her 'Thakur' Scheduled Tribe Certificate.
3. The learned advocate for the petitioner submits that apart from the documentary evidence, there are consistent entries in the school/revenue and birth and death record showing her caste as Thakur. The committee has overlooked that. He would submit that even a validity of second degree paternal uncle Raju Pandurang Salunke has been perfunctorily ignored without indicating as to what are the

circumstances for the Committee to reach a conclusion about he having practiced fraud. There is not a whisper about absence of any procedure being followed by the Committee which granted the certificate of validity to Raju.

4. The learned advocate further submits that subsequently Raju's children Akshay and Sakshi have been issued with certificates of validity. In fact, Sakshi is held entitled to have it by the order of this Court in Writ Petition No. 8605/2020 dated 17.07.2019. The petitioner is ready to run the risk of facing the consequence as contemplated in the matter of *Shweta Balaji Isankar Vs. State of Maharashtra and others* (writ petition no. 6320 of 2017), and she may be granted certificate of validity by quashing and setting aside the impugned judgment order.

5. The learned AGP fairly concedes that there has been no dispute about the petitioner being related to Raju Pandurang Salunke. Even the Committee has not disputed it. Since the Committee has decided to reopen the matter of Raju, as is mentioned in the judgment and order, whereby Akshay's Petition was allowed, subject to the final outcome of the enquiry to be conducted by the Committee, the petitioner may be directed to be issued with certificate of validity.

6. Without undertaking any scrutiny as to worth of the evidence collected and referred to in the impugned judgment and order,

ex facie, there is no contrary entry, not even a single, albeit the Committee observes that mention of word 'Thakur' in the caste column, does not necessarily mean that the description of caste cannot ipso facto is to a Thakur Scheduled Tribe, duly notified .

7. We have consistently held that when word 'Thakur' appears in the caste column, in the absence of any evidence to belie what was meant is Thakur from some other sect, the only inference deducible there from would be 'Thakur' Schedule Tribe. Merely because, as observed by the Committee, there could be some people using the surname Thakur or describing themselves as Thakur from unreserved categories, there is no evidence to demonstrate that they describe their caste as Thakur.

8. Be that as it may, admittedly, Raju is a second degree paternal uncle of the petitioner who was issued with a certificate of validity by following due process of law and both his children Akshay and Sakshi have been held entitled to have certificates of validity pursuant to the direction of this Court.

9. Since the petitioner is ready to face the consequences contemplated in ***Shweta Balaji Isankar***, she cannot be treated differently.

10. The writ petition is allowed partly.

11. The impugned order is quashed and set aside. The committee shall issue certificate of validity to the petitioner of 'Thakur' Scheduled Tribe which shall be co-terminus with the validity of Raju Pandurang Salunke.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)

JPChavan