

(2023) 06 BOM CK 0070
In the Bombay High Court
Case No : Writ Petition No. 3041 Of 2021

Pavan

APPELLANT

Vs

Vice-Chairman/ Member ? Secretary

RESPONDENT

Date of Decision : 22-06-2023

Acts Referred:

Citation : (2023) 06 BOM CK 0070

Hon'ble Judges : A. S. Chandurkar, J;Vrushali V. Joshi, J

Bench : Division Bench

Advocate : Himani Kavi, Preeti Rane, N.P. Mehta

Judgement

A.S. Chandurkar, J

1. RULE. Rule made returnable forthwith and heard the learned counsel for the parties.
2. The challenge raised in the present Writ Petition is to the order passed by the Scrutiny Committee on 20/1/2021 thereby invalidating the petitioner's claim of belonging to 'Thakur' Scheduled Tribe.
3. The learned Counsel for the petitioner submits that various blood relatives of the petitioner have been issued validity certificates pursuant to the decisions of this Court in Writ Petition No. 6670/2022 (Anurag s/o Gajendra Pawar and others Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee and another) decided on 1/12/2022 and Writ Petition No. 4718/2021 (Rajendra Namdev Pawar and another Vs. State of Maharashtra) decided on 19/1/2023. It is submitted that considering all the relevant documents which also form part of the present proceedings, the claims of the blood relatives of the petitioner have been upheld. It is thus submitted that in view of the decision in Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others [2010(6) Mh.L.J. 401], the petitioner would be entitled for grant of validity certificate.
4. The learned Assistant Government Pleader supported the impugned order but

did not dispute the adjudication undertaken by this Court as referred to by the learned Counsel for the petitioner. She invited our attention to the family tree that was considered by the vigilance cell and sought to demonstrate the relationship between the petitioner and the said parties.

5. On hearing the learned Counsel for the parties, we find that the old documents relied upon by the petitioner have consistent entries of 'Thakur'. The claim of the petitioner has been turned down principally on the ground of absence of affinity. We however find that in the decisions of this Court in Anurag Gajendra Pawar and others (supra) and Rajendra Namdev Pawar and another (supra), the petitioner's blood relatives namely his cousins have been directed to be issued validity certificates. Thus, following the decision of this Court in Apoorva Vinay Nichale (supra), the following order is passed :

ORDER

i] The order passed by the Scrutiny Committee on 20/1/2021 is set aside. It is declared that the petitioner has proved that he belongs to 'Thakur' Scheduled Tribe. The Scrutiny Committee shall within a period of four weeks from today issue validity certificate to the petitioner. Till the petitioner receives the validity certificate, he is free to refer to the copy of this judgment to indicate that his claim of belonging to 'Thakur' Scheduled Tribe has been upheld.

ii] Rule is made absolute in the aforesaid terms with no order as to costs.