



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

5 WRIT PETITION NO. 2576 OF 2012

Ravindra s/o Sharad Visale  
died, through his legal heirs

- 1) Smt. Kalpana wd/o Ravindra Visale
- 2) Rajashri w/o Dipak Thakur
- 3) Nikita d/o Ravindra Visale
- 4) Harshal s/o Ravindra Visale

... Petitioners

VERSUS

- 1) The State of Maharashtra  
and others

... Respondents

...

Advocate for the Petitioner : Mr. D. D. Chaudhari  
AGP for Respondent No. 1 & 3 : Mr. S.R. Wakale  
Advocate for Respondent No. 4 : Mr. Goyanka M. K.

...

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

DATE : 25.11.2024

PER COURT :

The petitioner is challenging the order of respondent no. 2-scrutiny committee, refusing to validate his 'Thakur' scheduled tribe certificate in a proceeding under Section 7 of the Maharashtra Act XXIII of 2001.

2. We have heard both the sides.

3. At the outset it is necessary to note that the petition was filed by the original petitioner, who is no more, but is being prosecuted by his legal representatives with the leave of the Court, it being a claim regarding social status.

4. There cannot be a dispute about the fact that the petitioner's real

brother Sudhakar, who was issued with a certificate of validity by the Government in the year 1981. Subsequently, his another real brother Kamalakar was also issued with a certificate of validity and even recently the third real brother Vinod has been held entitled to have a certificate of validity, apparently based on the validity of Kamalakar and Sudhakar, in Writ Petition No. 1429/2008, by the order dated 13.12.2019.

5. This being the admitted position, the deceased petitioner, who is the real brother of these three individuals Sudhakar, Kamalakar and Vinod, is entitled to have a certificate of validity, irrespective of the stand of the committee in the impugned order. Real brothers cannot belong to different tribes or casts.

6. The Writ Petition is allowed.

7. The impugned order is quashed and set aside.

8. The respondent no.2-scrutiny committee, shall immediately issue certificate of validity in the name of the petitioner-Ravindra s/o Sharad Visale as belonging to 'Thakur' scheduled tribe.

( PRAFULLA S. KHUBALKAR J.)

(MANGESH S. PATIL, J.)

mkd/-