



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

WRIT PETITION NO. 441 OF 2022

1. Sohan Prakash Wankhede
2. Mohan Prakash Wankhede .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri D. B. Shinde, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 25 OCTOBER 2024.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

1. Heard both sides finally considering urgency to the petitioners.

2. Petitioners are challenging common judgment and order dated 01.12.2021 passed by the respondent No. 2/Scrutiny Committee thereby confiscating and invalidating their tribe certificates of scheduled tribe 'Thakur'. Their grievance is that despite having validities issued to their blood relatives, their tribe claims are rejected. They are relying on validities of Sharad, Fakira, Rohan, Sachin and Nitish. For that purpose they are showing genealogy which is at Exhibit – F.

3. Learned counsel for the petitioners submits that the

validities were issued after following due procedure of law, should not have been discarded. The self same record has already been considered on earlier occasion and, therefore, petitioners are entitled to validities. It is further submitted that petitioners are ready to face the consequences as contemplated in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others judgment dated 27 July 2018 in W. P. No. 5611 of 2018.**

4. The learned Additional Government Pleader supports impugned judgment and order. He tenders on record original papers. It is submitted that Sachin's validity was not reliable as the order was non speaking. The incompatible school record was suppressed when Sachin and Nitish were issued with the validity certificate. It is vehemently submitted that the petitioners are not entitled to absolute validity.

5. We have considered rival submissions of the parties and we have gone through relevant record.

6. Relationship of the petitioners with the validity holders has not been disputed. Their uncle Sharad is the validity holder. Rohan S/o Sharad was issued with the validity certificate in pursuance of our order dated 12.07.2023 in Writ Petition No. 3768 of 2023. The validity certificates of Fakira and Nitish were relied in that case. Pertinently absolute validity was issued by recording reasons. We propose to adopt same course and reasoning in the present matter also.

7. Fakira was issued with validity certificate by order dated 23 December, 1983. Sachin and Nitish were issued with absolute validities. Therefore, this is fit case to grant absolute validities to the petitioners.

8. The Committee has not taken any steps to reverify validities of Fakira. Nitish, Sharad and Sachin. There is no point in raising objection to the order passed by the Committee in the matter of Sachin. Till these validities are intact, petitioners cannot be denied the benefit of the same social status.

9. It is desirable to grant them validity certificates by passing following order.

ORDER

(i) The writ petition is allowed.

(ii) The impugned order dated 01.12.2021 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.

(iii) The respondent No. 2/Scrutiny Committee shall issue tribe validity certificates to the petitioners as belonging to 'Thakur' scheduled immediately without imposing any conditions.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/Oct. 24