



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

1013 WRIT PETITION NO. 7864 OF 2012

KUMARI BHAWNA PRAKASH THAKUR

VERSUS

THE STATE OF MAH AND ORS

...

Advocate for the Petitioner : Mr. Yeramwar Sushant C.

AGP for Respondent no. 1 & 3 : Mr. S.P. Joshi

Advocate for Respondent No. 5 : Mr. A.V. Deshmukh

...

CORAM : MANGESH S. PATIL &  
SHAILESH P. BRAHME, JJ.

DATE : 20.06.2024

PER COURT :

Heard both the sides finally at the stage of admission.

2. The petitioner is assailing the judgment and order of the respondent-scrutiny committee whereby his tribe certificate of 'Thakur' scheduled tribe has been directed to be confiscated and cancelled.

3. During the course of the hearing and after going through the papers, it transpires that no dispute is being raised as far as genealogy is concerned, either in the report of the vigilance committee or in the impugned order. Apart from anything else, couple of validities were also before the committee, which were issued to Samadhan Ananda Thakur and Vijay Dayaram Sonwane. Vijay had also filed affidavit providing a genealogy demonstrating as to how, not only Samadhan but even the petitioner is related to him. Pertinently, Vijay's claim was invalidated. He had challenged the decision in Writ Petition No.2135/2007. By the order dated 09.09.2009 for the reasons recorded therein, his petition was allowed and he was directed to be issued with a certificate of validity. In spite of such a state of affairs, the scrutiny committee, in its wisdom, has expressly overlooked both

these validities on perceptibly a wrong notion that each case seeking a certificate of validity will have to be decided on its own merits independently. When it is longstanding and well settled law that the validities in the family of the blood relatives from the paternal side would be decisive, this observation of the committee or undertaking independent scrutiny, overlooking the validities issued in favour of the blood relatives and one of those as per the directions of this Court, is highly objectionable. If such is the stand of the committee, this is bound to increase the matters coming to the High Court, we strongly deprecate the conduct and the manner of reasoning.

4. Interestingly, the High Court in Vijay's matter had also demonstrated that Vijay's daughter Jayshree and one of his brothers, stated to be Ravindra, were also issued with certificates of validity and still the then scrutiny committee in a similar manner discarded Vijay's claim and the error had to be rectified by this Court. Had the present scrutiny committee gone through the judgment in the matter of Vijay, it could not have been bold enough in discarding the petitioner's claim. As it is, it has been adamant for the reasons best known to the members of the committee.

5. Be that as it may, the impugned order is liable to be quashed and set aside being perverse and arbitrary.

6. The Writ Petition is allowed. The impugned order is quashed and set aside. The respondent-committee shall immediately issue a certificate of validity to the petitioner of Thakur scheduled tribe-44.

( SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-