

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1281 OF 2011

Rajendra s/o Ramdas Thakur
Age 44 years, occ. Service
Presently working as a Sr. Clerk in
Industrial Training Institute, Bhusawal
Tq. Bhusawal, Dist. Jalgaon

.. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai 32.
2. The Committee for Scheduled Tribe Certificate
Scrutiny and Verification of Tribe Claim
Nandurbar Region
Nandurbar.
3. The Deputy Director of Vocational Education
and Training, Nashik Region
Old Trimbak Naka, Nashik
4. The Principal,
Industrial Training Institute,
Bhusawal, Tq. Bhusawal, Dist. Jalgaon .. Respondents

Mr. S. R. Barlinge, Advocate for the Petitioner.
Mr. P. K. Lakhotiya, AGP for the State.

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 23rd FEBRUARY, 2024.

JUDGMENT (Per Ravindra V Ghuge, J):

1. Rule.

2. Rule made returnable forthwith and heard finally by the consent of the parties.

3. By the first order of this Court dated 19th September, 2011, ad-interim relief was granted to the Petitioner in terms of prayer clause 'E', which reads as under :-

E) Pending hearing and final disposal of this writ petition, the respondent Nos. 3 and 4, their agents, servants or any other person acting on their behalf may kindly be restrained from taking any adverse action against the petitioner on the basis of impugned judgment and order dated 07-12-2010 (Exhibit-C) passed by the Respondent No. 2 – Scheduled Tribe Certificate Scrutiny Committee, Nandurbar Region, Nandurbar.

4. Having heard the submissions of the Petitioner and the learned AGP for the Respondent, we do not find that their entire contentions need to be recorded in the light of the following facts :-

a) The biological brother of the Petitioner, namely Anil Ramdas Thakur has received the Thakur Scheduled Tribe Certificate of validity, dated 11th November, 2019 from the competent Committee.

b) Subsequently, the son of Anil, namely Kunal Anil Thakur received the Thakur Scheduled Tribe Validity certificate dated 29th November, 2020 from the Committee,.

c) The case of the Petitioner is covered by paragraph Nos. 22, 23 and 24 of the judgment delivered by the Hon'ble Supreme Court in Maharashtra Adivasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra and others, **2023 SCC OnLine SC 326**.

5. The learned AGP for the Committee submits on the basis of the record that the relations of the Petitioner with Anil and Kunal are not disputed.

6. In view of the above, **this Writ Petition is allowed** in terms of prayer clauses 'B' and 'C' which read as under :-

B) By a writ of certiorari, or any other appropriate writ, order or directions in the like nature, the impugned Judgment and order dated 07-12-2010 (Exhibit -C) passed by the Respondent No. 2 – Scheduled Tribe Certificate Scrutiny Committee, Nandurbar Region, Nandurbar may kindly be quashed and set aside.

C) By a writ of mandamus, or any other appropriate writ, order or directions in the like nature, Respondent No. 2 – Scheduled Tribe Certificate Scrutiny Committee, Nandurbar Region, Nandurbar be directed to declare the petitioner as he belongs to Thakur Scheduled Tribe and issue the validity certificate in favour of the petitioner as belongs to 'Thakur' Scheduled Tribe.

7. The validity certificate be issued to the Petitioner within a period of 30 days from today.

8. Rule is made absolute in the above terms.

9. **Pending Civil Application** would not survive and **stands disposed off.**

(R. M. JOSHI)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

dyb