



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

WRIT PETITION NO. 2240 OF 2008

WITH

CIVIL APPLICATION NO. 6427 OF 2013 IN WP/2240/2008

WITH

CIVIL APPLICATION NO. 2464 OF 2024 IN WP/2240/2008

WITH

CIVIL APPLICATION NO. 11482 OF 2010 IN WP/2240/2008

WITH

CIVIL APPLICATION NO. 13740 OF 2011 IN WP/2240/2008

WITH

CIVIL APPLICATION NO. 13739 OF 2011 IN WP/2240/2008

Dipeeka Chandrasingh Thakur

VERSUS

1. The State Of Maharashtra, Tribal Development Department
2. The Scheduled Tribe Caste Certificate Verification Committee
3. The Sub Divisional Officer, Dhule
4. Mahatma Phule Agriculture University, Rahuri, Dist. Ahmednagar
5. Dr. Annasaheb Shinde College Of Engineering Rahuri, Dist. Ahmednagar

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Advocate for Petitioner : Mr. A S Golegaonkar
Addl.GP for Respondents/State : Mr. PS. Patil

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**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : 12th FEBRUARY 2025

ORAL JUDGMENT :

1. Rule. Rule is made returnable forthwith. Heard both the sides finally at the admission stage.

2. The petitioner's tribe claim was rejected by the Scrutiny Committee vide order dated 27.11.2007 which is under challenge in this petition.

3. Learned Counsel for the petitioner tenders on record information in tabular form depicting old documentary evidence and the validities in the family to corroborate the claim. The same is taken on record and marked as Exhibit-X.

4. It reveals from the chart produced by the petitioner that there are three pre-constitutional documents of the paternal side blood relatives of the petitioner as well as three validities issued in the family. The genealogy which is also produced on record today shows the names of the validity holders as well as the persons having old school record.

5. The relationship of the petitioner with the validity holders and the persons having their names in the pre-constitutional record has not been disputed. If this is the situation then by following the judgment of the Supreme Court in the matter of **Anand Versus Committee for Scrutiny and Verification of Tribe Claims and Others**, reported in (2012) 1 SCC 113, we have to rely pre-constitutional documents having greater probative value. Interestingly one of the validities has been issued by the intervention of this Court in the matter of **Suvarna d/o Shamsing Thakur Vs. State of Maharashtra and Others** in Writ Petition No.10814/2010. By a reasoned order, she was issued with validity certificate.

6. Considering the material placed on record which is undisputed, we are of the considered view that the petitioner is also entitled to receive the validity certificate. We find that the findings recorded by the Committee on the basis of area restrictions and affinity are unsustainable. We, therefore, pass following order :

ORDER

- (i) The impugned judgment and order dated 27.11.2007 is quashed and set aside.
- (ii) Respondent/Scrutiny Committee shall issue tribe validity certificate of Thakur Scheduled Tribe to the petitioner forthwith.
- (iii) Needless to mention that in view of quashing of impugned judgment and order, the petitioner is entitled to consequential benefit.
- (iv) The applications stand disposed of.
- (v) Rule is made absolute in above terms.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

NATEEB..