

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

WRIT PETITION NO. 9652 OF 2019

**ROHIT SHERSING THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....
Advocate for Petitioner : Mr. M.A. Golegaon
and Mr. A.S. Golegaonkar
AGP for Respondents : Mr. S.G. Sangale

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

DATED : 03 AUGUST, 2023

PER COURT (PER : SHAILESH P. BRAHME, J) :

1. Heard both sides for final adjudication.
2. The petitioner is assailing judgment and order dated 16.07.2019, passed by the Scrutiny Committee, invalidating his claim of 'Thakur' scheduled tribe. The petitioner is placing reliance on validity certificates issued on paternal side relatives which is reflected in the genealogy at page no. 54. He would submit that unless the validity certificates are revoked, he is entitled to get the validity on the ground of parity.
3. Learned AGP supports impugned judgment and order. According to him, the school record of the close relatives of the petitioner is incompatible with the claim of the petitioner. The Scrutiny

Committee has rightly discarded the validity certificates. He would submit that this is not a fit case to grant relief to the petitioner.

4. We have considered the record and the submissions of the parties. The genealogy is at page no. 54 of the paper book. It is noticed that the paternal side relatives of the petitioner namely Vishal Kamini and Jagannath were issued tribe validity certificates. The relevant record was already examined by the Scrutiny Committee in the matters of validity holders. It is not necessary for us to again examine the same record and take any contrary view.

5. Learned AGP has informed that the Scrutiny Committee has decided to re-open the validity certificates of the close relatives of the petitioner. The submissions of the learned AGP regarding contrary entries, tampering of the record, suppression of material facts by the validity holders can be looked into by the Scrutiny Committee during re-verification. We are excising writ jurisdiction. It is impermissible for us to offer any comments on the submissions made by the learned AGP specially when the validity holders are not before this Court.

6. We find that the impugned judgment and order is unsustainable. The Scrutiny Committee should have issue validity certificate to the petitioner.

7. We, therefore, allow the present petition partly. The impugned judgment and order passed by the Scrutiny Committee is quashed and set aside. The Scrutiny Committee is directed to issue tribe validity certificate to the petitioner for 'Thakur' scheduled tribe within a period of two weeks from today, on condition that the tribe validity certificate shall be subject to the outcome of re-verification proposed to be undertaken by the Scrutiny Committee and the petitioner shall not claim any equity.

8. The Writ Petition is disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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