



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2152/2022

Bhagwat S/o. Mahadeo Pawar,
Aged 47 years, Occ. : Service,
R/o. Jijau Nagar, Ring Road,
Kaulkhed, Akola.

PETITIONER

VERSUS

1. Scheduled Tribe Caste Certificate Scrutiny
Committee, Amravati Division,
Old by pass Road, Chaprashipura, Amravati,
Through its Vice Chairman/Jt. Commissioner.
2. Maharashtra State Electricity Distribution Co. Ltd.,
Vidyut Bhavan, 2nd Floor, Ratanlal Plot,
Akola 444 005,
Through its Superintendent Engineer.

RESPONDENTS

Mr. A. P. Kalmegh, Advocate for the Petitioner.
Mrs. Prachi Joshi, A.G.P. for Respondent No.1/State.
Mr. D. M. Kale, Advocate for Respondent No.2.

**CORAM : SMT. ANUJA PRABHUDESSAI AND
MRS.VRUSHALI V. JOSHI, JJ.**

DATE : 08.12.2023.

JUDGMENT : [PER : MRS.VRUSHALI V. JOSHI, J]

1. **Rule.** Rule is made returnable forthwith. Heard finally with
consent of the parties.

2. Being aggrieved by the order passed by the Caste Scrutiny
Committee, Amravati invalidating the caste claim of the petitioner, the
petitioner has filed this petition.

3. The petitioner is belonging to “Thakur” Scheduled Tribe which is recognized at Serial No.44 in the list of Scheduled Tribe Notification. The caste certificate was issued to the petitioner on 12.02.1999. On the basis of the said caste certificate, the petitioner got the job on the post of Operator from Scheduled Tribe Category on 04.01.2000. The petitioner had submitted the proposal for verification of tribe claim to respondent No.2. The appointment was granted subject to decision of the respondent No.1 Scrutiny Committee.

4. The petitioner has submitted the documents prior to year 1950 and other relevant documents i.e. Birth/Death Extract and the school record etc. related to paternal side blood relatives of the petitioner, wherein entry in regard to caste “Thakur” is mentioned. The proposal for verification of tribe claim of petitioner was forwarded for Vigilance Cell Enquiry. The respondent No.1 Committee served the Vigilance Cell Report along with show-cause notice dated 27.09.2004. In the said Vigilance Report, the Vigilance Cell Officer had recorded the statement of younger brother of the petitioner and on the basis of the statement given by him, the negative report was forwarded by the Vigilance Committee. The petitioner has raised objection upon the aforesaid report and submitted detail explanation as well as information towards affinity. The petitioner by application dated 18.01.2008 requested for fresh vigilance cell enquiry.

5. During the pendency of tribe claim of the petitioner, some documentary evidence prior to year 1950 was found by the petitioner i.e. document of the year 1919 of Ganpat Chintaman @ Chinkaji Thakur (Grand Father), document of the year 1923 of Vasudeo Ganpat Thakur (Uncle) and document of the year 1930 of Ganpat Chinkaji Thakur (Grand Father) and one validity certificate. In the aforesaid documents, the entry of caste “Thakur” is consistently updated without interpolation.

6. The respondent No.1 Committee in view of the fact that earlier Vigilance Cell Report was not satisfactory, further forwarded the tribe claim of the petitioner for vigilance cell enquiry on 17.02.2021. The Vigilance Cell Officer further conducted the vigilance cell enquiry on 18.02.2021 and submitted the report. The respondent No.1 Committee issued show cause notice dated 10.06.2021 along with Vigilance Cell Report. In the said Vigilance Cell Report, all the documents submitted by the petitioner are found genuine and having entry of caste “Thakur”. However, the Vigilance Cell Officer raised objection in respect of certain documents. The Vigilance Cell Officer has raised objection in respect of document related to uncle Vasudeo, that there is difference in date of birth in school record and birth record and, hence, relation does not prove with the petitioner. The petitioner has stated that the respondent Committee by overlooking the aforesaid documents prior to year 1950 and the law laid

down by the Hon'ble Apex Court invalidated the claim of the petitioner towards "Thakur" Scheduled Tribe.

7. The learned Assistant Government Pleader has opposed the petition stating that there is no document to show that the petitioner belongs to "Thakur" Scheduled Tribe. The record of school is not available, the death of birth does not match, there is no any other validity from the paternal side of the petitioner, hence prayed to reject the petition.

8. Heard both the learned Counsel.

9. The petitioner by filing additional affidavit has produced on record the validity certificate issued to the nephew of the petitioner Akash Sudhakar Pawar. This Court has allowed the petition of nephew of the petitioner and granted validity certificate. The petitioner has stated that, as per the judgment of *Apoorva Nichale Vs. Divisional Caste Scrutiny Committee* reported in *(2010) 6 Mh.L.J. 401* on the basis of the validity certificate issued to the blood relative the validity can be granted. The nephew of the petitioner has received the validity on the basis of the order passed by this Court. Said person has also filed the affidavit in support of the petitioner that the petitioner is his paternal uncle. The name of the said person is also mentioned in the genealogical tree. Considering the law laid down in the case of *Apoorva Nichale* (supra), the petition is

allowed. The impugned order dated 28/02/2022 is quashed and set aside. The respondent No.1-Committee is directed to issue caste validity certificate in favour of the petitioner within eight weeks from the date of receipt of the copy of the judgment.

10. Rule is made absolute in aforesaid terms. No order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

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