



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.468 OF 2023

PETITIONER : Gajanan S/o Damodhar Aher
 Age: 43 years, Occ: Service R/o At
 post Dhamangaon (Dhad), Dist.
 Buldhana. Presently at Vishuwadi,
 Buldhana. Tq. and Dist. Buldana.

..VERSUS..

RESPONDENTS : 1 Schedule Tribe Caste Certificate
 Scrutiny Committee Amravati
 Division, Chaprashipura, Old by
 pass, Amravati Through its Vice
 Chairman / Jt. Commissioner.

2 Superintendent of Police, Buldhana.
 Tq. & District Buldhana.

WITH

WRIT PETITION NO.469 OF 2023.

PETITIONER : Chaya D/o Damodhar Aher
 Age : 50 years, Occ: Service R/o
 Rokdiya Nagara, Dattawadi Shegaon,
 Dist. Buldana.

..VERSUS..

RESPONDENTS : 1 Schedule Tribe Caste Certificate
 Scrutiny Committee Amravati
 Division Chaprashipura, Old by pass,
 Amravati, Through its Vice
 Chairman/Jt. Commissioner.

2 Zilla Parishad, Buldhana,
 Through its Chief Executive Officer.

- 3 Education Officer (Primary),
Zilla Parishad, Buldhana.
- 4 Block Education Officer,
Panchayat Samiti, Shegaon, Dist.
Buldhana.

Shri A. P. Kalmegh, Advocate for Petitioners.

Shri A. A. Madiwale, AGP for Respondent No.1 in WP No.469/2023 and
for Respondent Nos.1 & 2 in WP No.468/2023.

Smt. S. S. Jachak, Advocate for Respondent No.2 and 3 in WP
No.469/2023.

CORAM : A. S. CHANDURKAR AND ABHAY J. MANTRI, JJ.

DATE : 2nd NOVEMBER, 2023.

ORAL JUDGMENT : (PER : A. S. CHANDURKAR, J.)

. **Rule.** Rule made returnable forthwith. Since challenge is raised to the common order passed by the Scrutiny Committee on 28.12.2022, both the writ petitions are decided together by this common judgment.

2. The petitioner in Writ Petition No.468 of 2023 is the brother of the petitioner in Writ Petition No.469 of 2023. They are belonging to 'Thakur' Scheduled Tribe which has been invalidated by the order dated 28.12.2022.

3. After hearing the learned counsel for the parties and perusing the documents on record, it is seen that the daughter of the petitioner in Writ Petition No.468 of 2023 has been issued a validity certificate on 31.08.2023 pursuant to the judgment in Writ Petition No.2297 of 2023 **(Vaibhav Gopal Aher and Ors vs.**

Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati), that was decided on 10.08.2023. All other petitioners in that writ petition who are the blood relatives of the petitioner have also been issued validity certificates. Thus following the decision of this Court in *Apoorva d/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee and Ors.*, reported in *2010(6) Mh.L.J. 401*, we find that the petitioners are entitled for grant of similar relief.

4. Hence for reasons recorded in the judgment dated 10.08.2023 in *Vaibhav Gopal Aher* (supra), the following order is passed :

- i) The order dated 28.12.2022 passed by the Scrutiny Committee is set aside.
- ii) It is declared that the petitioners have proved that they belong to 'Thakur' Scheduled Tribe.
- iii) The Scrutiny Committee shall within a period of four weeks from receiving the copy of this order issue a validity certificate to the petitioners.
- iv) The concerned employers to take appropriate steps in accordance with the rules.

5. Rule is made absolute in aforesaid terms. No costs.

(ABHAY J. MANTRI, J.) (A. S. CHANDURKAR, J.)