



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8285 OF 2006
WITH CA/4387/2020 IN WP/8285/2006
WITH CA/7201/2011 IN WP/8285/2006

Shivaji s/o Sitaram Thakur,
Age: 34 years, Occ: Student,
R/o: Plot No.36, Trimurti,
Suyognagar, Wadibhokar Road,
Deopur, Dhule, Dist.Dhule.

... PETITIONER

VERSUS

- 1] The State of Maharashtra,
through its Secretary, Tribal
Development Department,
Mantralaya, Mumbai-32.
 - 2] The Committee for Scrutiny and
Verification of Tribe Claims, through its
Dy. Director (Research), Nasik,
Division Nasik.
 - 3] The Tahasildar and Taluka Executive
Magistrate Tahasil Office, Dhule,
District Dhule.
 - 4] The Collector and District Magistrate,
Collector Officer, Dhule.
 - 5] The Education Officer (Primary),
Zilla Parishad, Dhule, District Dhule.
 - 6] The Chief Executive Officer,
Zilla Parishad, Dhule, District Dhule.
 - 7] The Registrar,
Yeshwantrao Chavan Maharashtra
Open University, Nashik, Dnyan Gangotri,
Near Gangapur Dam, Nashik,
District Nashik.
 - 8] The Directorate of Education (Secondary & Higher)
Central Building, Near Pune Railway Station,
Pune, Maharashtra 411001
- ... RESPONDENTS

Advocate for Petitioner : Mr. M.A. Golegaonkar h/f. Mr. A.S. Golegaonkar
AGP for Respondents: Mr. P.S. Patil
Advocate for Respondent No.7 : Mr. R.R. Mane

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

DATE : 04.07.2023

PER COURT :

The petitioner is seeking validation of his tribe claim and a validity certificate. We have heard both the sides finally.

2. Though submissions have been made by both the sides, in our considered view it is a *fait accompli*. This Court has already directed a validity certificate to be issued to the petitioner's real brother Sanjaykumar Sitaram thakur in Writ Petition No.1984/1996 decided on 18.03.2004. The decision has reached finality.

3. Pertinently, even this decision was placed before the committee which passed the impugned order. We in fact do not intend to comment on the observations and the manner in which the respondent – Scrutiny Committee has endeavoured to take exception to the decision of this Court in Writ Petition No.1984/1996. When the self same scrutiny committee was a party respondent in that petition, in our considered view it is a matter bordering contempt, to undertake a scrutiny independently in defiance to the decision of this Court, more so in the matters of this kind where the real brother of the petitioner was held to be entitled to the certificate of validity but the petitioner is not being similarly considered by the Scrutiny Committee.

4. To put at rest, a reference to the paragraph Nos.22 to 24 in the matter of **Maharashtra Adiwasi Thakur Jamat Sawarakshan Samit Vs. State**

of Maharashtra and Ors.; 2023 SCC Online SC 326 is sufficient. When the petitioner's real brother is armed with a validity certificate the petitioner cannot be denied the same relief and social status.

5. We allow the writ petition, quash and set aside the impugned order and direct the respondent – Scrutiny Committee to issue a validity certificate to the petitioner as expeditiously as possible and in any case within four weeks.

6. Pending civil applications are dispose of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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