



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO.2249/2023

Sunil s/o Parvatrao Thakur
(@ Sunil s/o Parvatrao Chavan)
aged 61 years, occu. Retired, R/o
Gandhi Nagar, Besides Wadhwani
Mangal Karyalaya, Chikhali,
Tq. Chikhali, Dist. Buldana.

....PETITIONER

...VERSUS...

1. The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai-32, through its
Secretary.
2. The Chairman, the Scheduled Tribe
Caste Certificate Verification
Committee, Amravati Division,
Dist. Amravati.
3. The Deputy Superintendent of
Police, Office of Superintendent of
Police, Buldana, Dist. Buldana.

...RESPONDENTS

Shri G.R. Kothari, Advocate for petitioner
Shri A.M. Joshi, AGP for respondent Nos.1 to 3

CORAM : AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ..

DATE OF RESERVING THE JUDGMENT : 15/01/2024

DATE OF PRONOUNCING THE JUDGMENT: 23/01/2024

JUDGMENT (PER : SMT. M.S. JAWALKAR, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally with the consent of Shri Kothari, learned Counsel for petitioner and Shri A.M. Joshi, learned AGP for respondent Nos.1 to 3.

3. The challenge to the petition is to the order of invalidation of the Caste claim of the petitioner by the Caste Scrutiny Committee, Amravati. The petitioner claims to be belonging to "Thakur" Scheduled Tribe, which is recognized at Sr. No.44 in the Constitution (Scheduled Tribe) Order, 1950. The petitioner is retired from the post of Assistant Sub Inspector. It is contended that the petitioner had applied for the Tribe certificate as he belongs to "Thakur" Scheduled Tribe before Sub Divisional Office at Buldhana and in the year 1984, Sub Divisional Office issued

Tribe certificate in favour of petitioner. On the basis of tribe certificate petitioner was appointed in the Police Department in the year 1984 and was retired from service in the year 2020 from the post of Assistant Sub Inspector. It is further contended that the respondent No.3 referred the Tribe claim of the petitioner to the respondent No.2 Scrutiny Committee on 02/11/2012 for its verification. It handed over the proposal to the Vigilance Cell.

4. It is contended that the Scrutiny Committee, Aurangabad had issued Validity certificate to the daughter of petitioner namely Ku. Priti Sunil Chauhan on 30/08/2002 and to his real niece namely Ku. Sapna Ramesh Chauhan on 21/04/2001. The petitioner in support of his Tribe claim filed several documents including pre-independence documents and validity certificate issued to his blood relatives from paternal side which were discarded by the Scrutiny committee and passed impugned order.

5. It appears that there is oldest documents in respect of Rama Kondaji Thakur, extract of death register dated 01/08/1916 wherein he is shown as belong to Thakur Tribe. He is Great-grand-father of the petitioner. Similarly, there are documents dated 02/07/1923, in respect of petitioner's grand-father in his school leaving certificate wherein he was shown as belonging to Thakur Tribe. Similarly there are documents dated 14/07/1962 and 17/07/1968 and thereafter consistently showing that person in blood relation of the petitioner as belonging to Thakur Tribe. Not only this, there is validity certificate issued by Aurangabad Scrutiny Committee in respect of Sapna Chavan dated 21/04/2001 and Priti Chavan dated 30/08/2002 issued by Aurangabad Scrutiny Committee. In the said validity certificate, Priti and Sapna both were shown belonging to Thakur Scheduled Tribe. There is no dispute over genealogical tree and relation of petitioner with Priti and Sapna.

6. In view of decision in Writ Petition No.2685/2022, it is already held by this Court that the ground of rejection put-forth in the impugned order is illegal as there is no law which restrict, the validity certificate only to the area over which the Scrutiny Committee has its jurisdiction. Once the validity certificate is granted to a claimant, it would become conclusive proof of social status acquired by that person for all purpose and in any territory where such proof is required to be submitted.

7. In our considered opinion, the only reason for not considering those validity certificates appears to be that the same was issued by Scheduled Tribe Scrutiny Committee, Aurangabad. Another ground for rejection appears to be that on the certificate, petitioner's surname is mentioned as Thakur. However, the validity certificate in respect of daughter and niece is mentioned as Chavan. Needless to mention here that the petitioner placed on record Government Notification dated 30/09/1999 by which he

changed his name from Sunil Thakur to Sunil Chavan. As such, this ground also does not survive. Once the validity certificate is granted to a claimant, it becomes the conclusive proof of the social status acquired by that person for all purpose and in any territory where such proof is required to be submitted. Therefore, such validity certificate can also be used as having sufficient evidentiary value in the caste or tribe claim placed by the other relatives of a person in whose favour, those certificates are issued. As such, reasoning adopted by the Scrutiny Committee is totally erroneous and contrary to the law laid down by this Court. As such, petitioner is entitled to have his tribe certificate validated by the Scrutiny Committee as per his changed name.

8. The petition is allowed in terms of prayer Clause 'A'. The Scheduled Tribe Caste Certificate Verification Committee, Amravati is directed to issue validity certificate to the petitioner as belonging to "Thakur" Scheduled Tribe within a period of three weeks from the date of this order.

9. Rule is made absolute in above terms. No costs.

JUDGE

JUDGE

R.S. Sahare