



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

WRIT PETITION NO.6707 OF 2023

Ku. Shrawani Sanjay Ingale, aged 17
years, Minor, through natural guardian
father Sanjay Manikrao Ingale, aged 52
years, Occ. Service, r/o Daryapur, Tq.
Daryapur, District Amravati.

... PETITIONER

VERSUS

The Scheduled Tribe Caste
Certificate Scrutiny Committee,
Chaprasipura, Amravati, through its
Member Secretary

... RESPONDENTS.

Shri R.S. Parsodkar, Advocate for the petitioner.
Shri N.R. Patil, Assistant Government Pleader for the State.

CORAM : VINAY JOSHI AND SMT. M.S. JAWALKAR, JJ.
DATED : 20.06.2024.

ORAL JUDGMENT : (Per : Vinay Joshi, J.)

RULE. Rule made returnable forthwith.

2. The matter is taken up for final disposal by consent of both
sides.

3. The petitioner's caste claim for "Thakur" Scheduled Tribe was invalidated by the respondent – Scrutiny Committee vide impugned order dated 27.06.2023. Though the petitioner has tendered in all 25 documents including pre-constitutional one, the Committee has rejected the caste claim by discarding the documents as well as on the ground of failure in an affinity test.

4. Learned Counsel for the petitioner would submit that the caste claim of the petitioner's father Sanjay and brother Aditya was invalidated by the same Committee, which was impugned in Writ Petition Nos. 6120/2018 and 164/2020. It is submitted that on the basis of same documents, said claim was agitated before the Committee and on rejection, this Court after detail analysis of the documents has validated their caste claim vide common judgment and order dated 02.05.2024. The State did not contend that the said judgment is proposed to be challenged.

5. We have gone through the common judgment dated 02.05.2024, which bears detailed analysis supported by various precedents. Finally this Court has concluded in paragraph 15 as below :

"15. Thus, to sum up the aforesaid discussion, it clearly reveals that the petitioners in

support of their claim have relied upon as many as seven pre-constitutional era documents from the year 1938 to 1950. In all those documents, the caste of the ancestors of the petitioners is mentioned as “Thakur”. It also seems that the oldest entry is of the year 1932 i.e. before the disputed and vague entry of the year 1935. However, the Committee has not considered the entries in the other seven documents and has given undue importance to the entry in one disputed and vague documents and negated the claim of the petitioner.”

6. In sum and substance, the caste claim of the petitioner’s father and brother has been validated. The law is well settled in case of ***Apoorva Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and other 2010 (6) Mh.L.J. 401*** that if the validity has been issued in the family then the claimant is entitled for the validation. We may take a note that merely there are no prior validities in the family, but by virtue of order of this Court, the claim is validated. We see no reason to deviate from the above decision, as the contrary would create an anomalous situation.

7. In view of the above, we hold that the petition deserves to be allowed. Hence the following order

(a) The Writ Petition is allowed.

- (b) The impugned order dated 27.06.2023 passed by the respondent-Committee is hereby quashed and set aside.
 - (c) It is declared that the petitioner belong to the “Thakur” Scheduled Tribe.
 - (d) The respondent Committee is directed to issue a Caste Validity Certificate of “Thakur” Scheduled Tribes to the petitioner within a period of four weeks from the production of a copy of this judgment.
 - (e) In the meantime, the Competent/Concerned Authority to act upon this judgment.
8. The petition is allowed in the aforesaid terms. No costs.

(SMT. M.S. JAWALKAR, J.)

(VINAY JOSHI, J.)

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