

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

WRIT PETITION NO. 7383/2018

Shreya d/o Sudhakar Gathe,
Aged about 20 years, Occupation Student,
R/o. At Post-Asalgaon, Tah.Jalgaon-Jamod,
District Buldhana.

..... **PETITIONER**

1. The Vice-Chairman/Member Secretary,
Scheduled Tribe Caste Certificate Scrutiny Committee,
Amravati.

2. The Principal,
Ayurved College and Shri Eknath Ayurved Rugnalaya,
Shevgaon, Dist. Ahmednagar-414502.

3. The Vice-Chancellor/Registrar,
Maharashtra University of Health Sciences (MUHS),
Mhasrul Road, Nasik.

..... **RESPONDENTS**

Ms Preeti D.Rane, Advocate for petitioner.

Shri J.Y.Ghurde, Assistant Government Pleader for respondent no.1.

CORAM : A.S.CHANDURKAR and VINAY JOSHI, JJ.

DATED : 21.02.2020

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

Rule. Heard finally considering the short issue involved.

2. The petitioner has challenged the order passed by the Scrutiny Committee, Amravati, on 30.08.2018 invalidating the caste claim of the petitioner of belonging to 'Thakur' Scheduled Tribe. Pursis has been filed on behalf of the petitioner stating therein that on 17.07.2019 the Scrutiny

Committee had invalidated the caste claim of the petitioner's brother namely Krushna. That order was challenged by the petitioner's brother in Writ Petition No. 5111/2019 and by the judgment dated 25.07.2019, the order passed by the Scrutiny Committee was set aside and it was directed that the petitioner's brother be issued a validity certificate. Accordingly, the Scrutiny Committee has issued such validity to the petitioner's brother on 27.07.2019.

3. On perusal of the material placed on record and especially the family tree, it is found that Krushna is the real brother of the petitioner and therefore, in the light of the fact that he has been directed to be issued a validity certificate, the petitioner would also be entitled to similar relief.

4. Accordingly for the reasons recorded in the judgment dated 25.07.2019 in Writ Petition No. 5111/2019 (*Krushna Sudhakar Gathe Vs. The Vice Chairman/Member Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati*), the following order is passed :

(1) The order dated 30.08.2018 passed by the Scrutiny Committee, Amravati, is set aside.

(2) The claim of the petitioner for 'Thakur' Scheduled Tribe which is an entry at Sr.No.44 in the Constitution (Scheduled Tribes) Order, 1950 is held to be valid. Accordingly, the respondent Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati is directed to issue caste validity

certificate of 'Thakur' Scheduled Tribe in the name of the petitioner within a period of four weeks from today.

3. Rule is made absolute in aforesaid terms with no orders as to costs.

JUDGE

JUDGE

Andurkar..