



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.7279/2024

Shrikant Wasudeo Gathe,
Aged 50 years, Occ. Service as Assistant Teacher
under Zilla Parishad Akola,
R/o Asalgaon, Tq. Jalgaon Jamod, District Buldhana. .. Petitioner

Versus

1. The Scheduled Tribe Caste Certificate Scrutiny Committee,
Chaprasipura, Amravati through its Member Secretary.
2. Zilla Parishad, Akola through its Chief Executive Officer.
3. Education Officer, Zilla Parishad, Akola. .. Respondents

Mr. R.S. Parsodkar, Advocate for petitioner.
Mr. M.V. Bute, Advocate for respondent no.3.
Mr. N.R. Patil, AGP for respondent no.1.

CORAM : Alok Aradhe, CJ & A.S. Chandurkar, J.
DATE : 14-02-2025.

ORAL JUDGMENT (Per A.S. Chandurkar, J.)

Rule. Rule made returnable forthwith. Heard learned
Counsel for the parties.

2. The petitioner is aggrieved by the order dated 31-10-2024
passed by the Scrutiny Committee invalidating the petitioner's claim of
belong to 'Thakur' (Scheduled Tribe).

3. Learned Counsel for the petitioner submits that about nine
relatives have been issued validity certificate after recording a finding that
they belong to 'Thakur' (Scheduled Tribe). He invited our attention to
page 118 of the writ petition which indicates the family tree of the

petitioner's family. He submits that in regard to various blood relative, various orders have been passed by this Court upholding their claim. Therefore submits that in view of decision of this Court in *Apoorva d/o Vinay Chichale vs Divisional Committee*, reported in *2010 (6) Mh.L.J. 401*, the petitioner is entitled for the benefit of the aforesaid adjudication.

4. Learned AGP supported the impugned order and referred the paragraph 5 thereof wherein it has been observed that an order passed on 01-08-2018 in Writ Petition No.4198/2005 invalidating the claim of one of the petitioner's relative was not brought to the notice of the Court as well as the Scrutiny Committee in the earlier proceedings. On account of that invalidation, the petitioner is not entitled to any declaration. He therefore submits that impugned order does not warrant interference.

5. It is seen from the record that the petitioner supplied details of his family members by relying on the family tree. Undisputedly the relationship of the petitioner with the members referred to the family tree is not disputed. It is further not been disputed that in Writ Petition No.73/2018 decided on 21-02-2020 this Court has granted a declaration in favour of the petitioner's blood relative of belonging to 'Thakur' (Scheduled Tribe). There are various other orders passed in that regard. These orders have not been challenged any further. In view of the decision in *Apoorva Nichale* (supra) the petitioner is entitled for the benefit of this adjudication. In absence of any challenge to the earlier adjudication it was not permissible for the Scrutiny Committee to ignore the same on the

ground that on an earlier occasion, order of invalidation of a relative had been passed.

6. In that view of the matter, the impugned order dated 31-10-2024 is set aside. It is held that the petitioner has proved that he belongs to 'Thakur' (Scheduled Tribe). Within a period of six weeks the Scrutiny Committee shall issue validity certificate in favour of the petitioner.

7. Rule is made absolute in aforesaid terms with no order as to costs.

(A.S. Chandurkar, J.)

(Chief Justice)

Deshmukh