





IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH AT AURANGABAD

1021 WRIT PETITION NO.13565 OF 2021

JITU SANJAY CHAVAN AND ANOTHER
VERSUS

COMMISSIONER STATE CET CELL AND ANOTHER

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Advocate for Petitioners: Mr. Phatale Sagar S AGP for Respondents: Mr. P. S. Patil

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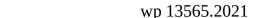
CORAM: S. V. GANGAPURWALA &

S. G. DIGE, JJ.

DATE: 07th DECEMBER, 2021

PER COURT:

- 1. The Petitioners had applied for validity certificates as belonging to Thakur, Scheduled tribes. Their claims are invalidated. The same is assailed in the present Writ Petition.
- 2. The learned Counsel submits that the real sister of the Petitioner No. 1 namely Sheetal D/o. Sanjay Chavan had also applied for the validity certificate. Her claim was invalidated. She filed Writ Petition No. 7754 of 2020. This Court under the Judgment and Order dated 16.12.2020 allowed the said Writ Petition thereby setting aside the Judgment of the Scrutiny Committee and directed

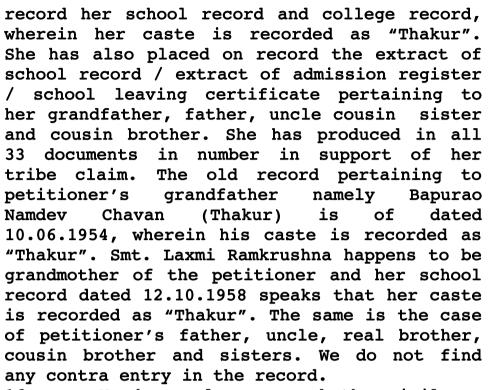


the Committee to issue validity certificate to her. The learned Counsel relies on the Judgment of the Division Bench of this Court in case of Apoorva D/o. Vinay Nichale Vs. Divsional Caste Certificate Scrutiny Committee No. 1 and others reported in 2010 (6) Mh.L.J. 401.

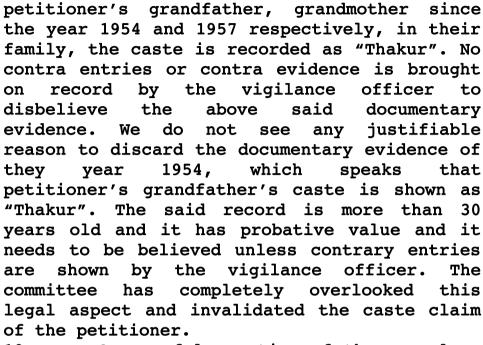
3. We have also heard the learned A.G.P.

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- 4. The relationship between Petitioner No. 1 and Sheetal D/o. Sanjay Chavan that of real brother and sister is not disputed. So also, said Sheetal D/o. Sanjay Chavan is the first paternal cousin of Petitioner No. 2 Shraddha D/o. Nandkishor Chavan. This Court while allowing the Writ Petition filed by Ms. Sheetal D/o. Sanjay Chavan had passed a detailed Judgment and thereby directed the Committee to issue validity certificate to the Petitioner and observed as under-
 - "15. On making scrutiny of the impugned order and the original file/proceeding before the committee, it is found that the petitioner's father has given genealogy. The petitioner has produced her caste certificate coupled with affidavit, wherein her caste has been shown as "Thakur". She has placed on



We have also perused the vigilance report. There is no documentary evidence vigilance collected by the officer disbelieve the documentary evidence placed on record by the petitioner in support of his tribe claim. The committee has placed much reliance on the statements of two villagers namely Bhagwan Anjubhau Bhutekar, Age - 75 years and Sahebrao Murlidhar Bhutekar, Age years both resident of Hiwardi, Dist. Jalna. According to the observations of the committee, the statements of the above said two villagers speak that the family profession of the petitioner's ancestors was settling marriages, singing songs marriage, and they were getting money clothes for that work. They fall in the category of "Non-tribal Bhat Thakur". We do not agree with the observation made by the committee referred above. When there reliable documentary evidence right from the petitioner's grandfather of 1954, reliance can be placed on oral statements of the above said two villagers. It is evident from the record that right from the



- 19. On careful scrutiny of the genealogy coupled with the documentary evidence produced by the petitioner right from the year 1954, makes out a clear picture that the caste of the family of the petitioner is recorded as "Thakur" since the year 1954. In the above background, no more weightage can be given to the affinity test.
- 20. It is true that the tribe claim of the petitioner's cousin sister, namely Yogita Nandkishor Chavan has been invalidated by the committee and that decision is challenged before this Court by filing Writ Petition No. 10365 of 2019, and now the matter is subjudice. It is not a hurdle in the way of petitioner to get the validity certificate of "Thakur" Scheduled Tribe.
- Having regard to the above reasons and discussion, it is clear that the findings recorded by the committee are erroneous. The committee has not properly considered documents, which are more than 30 years old and arrived at incorrect conclusion. are no contra entries to throw away tribe claim of the petitioner. The vigilance report also nowhere speaks about contra evidence. The impugned order rendered by the



committee invalidating tribe claim of the petitioner needs to be quashed and set aside. The petitioner is entitled to get the tribe validity certificate. With these reason, we conclude and proceed to pass the following order.

ORDER

- (i) The order / decision rendered by respondent No. 3 / Scheduled Tribe Scrutiny Committee, Aurangabad dated 09.11.2020 is hereby quashed and set aside.
- (ii) Respondent No. 3 / Scheduled Tribe Certificate Scrutiny Committee, Aurangabad shall issue validity certificate to the petitioner of being a member of "Thakur Scheduled Tribe" forthwith
- (iii) Rule is made absolute accordingly.
- (iv) The writ petition is disposed of. No order as to costs."
- 5. For the reasons recorded in the Judgment of the Division Bench of this Court in case of real sister of Petitioner No. 1 and paternal cousin of Petitioner No. 2 namely Sheetal D/o. Sanjay Chavan in Writ Petition No. 7754 of 2020 dated 16.12.2020, we follow the same course.
- 6. The order / decision rendered by respondent No. 2 / Scheduled Tribe Certificate Scrutiny Committee, Aurangabad dated 02.12.2021 is hereby quashed and set aside.



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- 7. Respondent No. 2 / Scheduled Tribe Certificate Scrutiny Committee, Aurangabad shall issue validity certificates to the petitioners of being members of "Thakur", Scheduled Tribe forthwith.
- 8. Writ Petition accordingly stands disposed of. No costs.

[S. G. DIGE, J.] [S. V. GANGAPURWALA, J.]
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