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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3479 OF 2023

Mr. Gaurav Abhimanyu Thakar. ... Petitioner.

Versus

State of Maharashtra & Anr. ... Respondents.

Mr. S.S. Panchpor a/w. Ms. N.S. Mahadik, for Petitioner.

Mr. M.M. Pabale, AGP, for Respondent Nos. 1 & 2/State.

CORAM: NITIN W. SAMBRE &
ASHWIN D. BHOBE, JJ.

DATED : 27th JANUARY, 2025

P.C:-

1. Heard. The challenge is to the order dated February 6, 2023 whereby the Petitioner's claim based on the caste certificate of belonging to Thakar, Scheduled Tribe for issuance of validity is rejected.

2. Counsel for the Petitioner would invite our attention to the order in *Writ Petition No. 4650 of 2015 Abhimanyu Dattu Thakar v/s. The State of Maharashtra & Ors.* pronounced on 4th October, 2019. It is urged that the father of the Petitioner Abhimanyu was granted validity pursuant to the declaration

ordered in the aforesaid Judgment. The Petitioner in such an eventuality having been related to Abhimanyu a validity holder in the capacity of son should have been granted validity that of Thakar Schedule Tribe. The Counsel for the Petitioner would urge that though the aforesaid judgment in the matter of Abhimanyu is referred to in the impugned order, no consequential action pursuant to the observations made in the impugned order is initiated either against Abhimanyu or otherwise in sense the order in the matter of Abhimanyu was not sought to be reviewed.

3. When confronted the learned Assistant Government Pleader is handicapped for want of instructions as according to him he is unable to make a categorical statement as to whether the review of the order delivered on 4th October, 2019 in Writ Petition No. 4650 of 2015 is sought or else, a notice is issued to Abhimanyu for cancellation of the validity certificate.

4. We have considered the aforesaid submissions. The admitted fact borne out from the record is the father of the Petitioner Abhimanyu was granted validity pursuant to the declaration made by this Court in Writ Petition No. 4650 of 2015 on 4th October, 2019.

5. In case if the Committee is of the view that the order is obtained by Abhimanyu who is the father of the Petitioner thereby seeking declaration that he belongs to Thakar Schedule Tribe, the option or the remedy left with the Committee is to approach before this court seeking review of the said judgment based on the aforesaid submissions.

6. The Counsel for the Petitioner in categorical terms stated that his father Abhimanyu till this date has not received any notice to that effect from this Court or from the Committee seeking review of the Order dated 4th October, 2019 referred supra passed by this Court.

7. As such, it has to be construed that the order dated 4th October, 2019 passed by this Court in the matter of Abhimanyu thereby declaring that he belongs to Thakar Scheduled Tribe has attained finality.

8. Apart from above, the learned Assistant Government Pleader inspite of there being the order of notice and

accommodation granted on earlier occasion is not given instructions by the Committee so as to assist this Court on the issue of taking out the proceedings for review of the order dated 4th October, 2019 in the matter of Abhimanyu referred above. As such the learned Assistant Government Pleader is handicapped in making a categorical statement as to the steps taken by the Committee for setting aside the aforesaid order in the matter of Abhimanyu.

9. In this backdrop, once there is pronouncement by the Division Bench of this Court in favour of Abhimanyu, the Petitioner being his blood relation i.e. son, the Petitioner in such an eventuality having regard to the definition of relative as provided in The Maharashtra Scheduled Caste, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification) of Caste Certificate Rules, 2012 and also that of law laid down in the matter of *Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 & Ors., [2010 (6) Mh.L.J. 401]* is entitled for the declaration that he belongs to Thakar Scheduled Tribe.

10. Even the Cousin uncle Sachchidanand Pandurang Thakar and Cousin brother Parag Ashok Thakar are informed to have been granted validity by the Committee and in relation to whom no steps are taken for cancellation of validity certificate.

11. For the aforesaid reasons, the order impugned passed by the Committee on 6th February, 2023 rejecting the claim for issuance of validity is hereby quashed and set aside. The Petitioner is hereby declared as Thakar Scheduled Tribe based on the findings recorded by the Division Bench of this Court in *Writ Petition No. 4650 of 2015 in the case of Abhimanyu Dattu Thakar v/s. The State of Maharashtra & Ors. decided on 4th October, 2019*. As such, the Committee is directed to issue validity in favour of the Petitioner within a period of four weeks from today.

12. The Petition stands allowed in the above terms.

(ASHWIN D. BHOBE, J.)

(NITIN W. SAMBRE, J.)