



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13651 OF 2022

Prasanna Bipin Sisodiya

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. R. K. Mendadkar for the Petitioner

Ms. S. S. Bhende, AGP for the State

Mr. Sameer Khedekar for Respondent No.3

**CORAM: S.V.GANGAPURWALA &
S.G. DIGE, JJ.**

DATED : NOVEMBER 17, 2022

P.C.

1 The caste claim of the Petitioner as belonging to Thakur, Scheduled Tribe is invalidated.

2 It is the contention of the Petitioner that all the school records since 1920 of the great-grandfather, grandfather, paternal uncle, uncle record caste as Thakur. No contra entry exists. Father of the Petitioner is issued with the validity certificate by the Scrutiny Committee. Real Uncle of the Petitioner viz. Sachin also issued with the validity certificate by the Committee. The children of Sachin viz. Samriddhi and Omkar also issued with the validity certificate of Thakur, Scheduled Tribe. The paternal cousin viz. Rajendrasingh

Pundliksingh Sisodiya had also applied for issuance of validity certificate. Same was invalidated. He filed Writ Petition No.4005 of 2012. The Division Bench of this Court at Aurangabad, under order dated 31st July 2017 allowed the Writ Petition by setting aside the judgment of the Committee and directed the Committee to issue validity certificate to him of Thakur, Scheduled Tribe.

3 Ms. S. S. Bhende, the learned AGP submits that the Committee is intending to file an SLP against the judgment dated 31st July 2017 in Writ Petition No.4005 of 2012 filed by the paternal cousin of the Petitioner. The learned AGP further submits that the Petitioner has failed in affinity test. The Petitioner does not belong to the area where normally the persons of Thakur community reside.

4 We have considered the submissions. We have also gone through the judgment.

5 The Petitioner has relied upon the following documents:

Sr. No.	Name of the students	Caste / Sub Caste	Admitted in school on	Relation with the Applicant
1	Anil Madan Sisodiya	Thakur	29.7.1974	Cousin Uncle
2	Chandrakant Vasantryao Sisodiya	Hindu Thakur	26.07.1975	Cousin Uncle
3	Jayant Madan Sisodiya	Hindu Thakur	17.07.1977	Cousin Uncle
4	Sadhna Hiralal Sisodiya	Thakur	30.07.1977	Paternal Aunt
5	Hiralal Rambhau Sisodiya	Thakur	09.02.1940	Grandfather

6	Rama Aanaji Thakur	Thakur	04.06.1920	Great Grandfather
7	Madan Rambhau Shisode	Thakur	01.07.1947	Cousin Grandfather
8	Vasant Rambhau Shisode	Thakur	11.03.1949	Cousin Grandfather
9	Anil Madan Shisode	Hindu Thakur Other Backward	23.10.1977	Cousin Uncle
10	Prasanna Bipin Sisodiya	Hindu Thakur	12.06.2006	Applicant
11	Madan Rambhau Shisode	H Thakur	13.06.1949	Blood relation with the Applicant
12	Sachin Hiralal Shisodiya	H Thakur	02.06.1976	Blood relation with the Applicant

6 Perusal of the said documents, it appears that right since 1920 in the school record of the great-grandfather, grandfather and father of the Petitioner, caste is recorded as Thakur. The Committee has observed that in case of Aanaji, the entry is of Bhat. There is no other entry that can be said to be contra. Moreover, the father, real Uncle and other paternal cousins of the Petitioner are issued with the validity certificate of Thakur, Scheduled Tribe.

7 In light of the above, we pass the following order.

- a. The impugned judgment and order is quashed and set aside.

- b. The Committee shall issue validity certificate of Thakur, Scheduled Tribe to the Petitioner, immediately.
- c. In case the Committee prefers an SLP against the judgment dated 31st July 2017 in Writ Petition No.4005 of 2012 then the present judgment would be subject to the decision that would be taken by the apex court in the SLP that may be filed by the Committee.
- d. The Writ Petition is accordingly disposed of. No costs.

(S.G. DIGE,J.)

(S.V. GANGAPURWALA, J.)