



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2051 OF 2023

Suhas S/o Vitthal Bagul

.. Petitioner

Versus

The State of Maharashtra
& Anr.

.. Respondents

Mr. Yaramwar Sushant Chandrakantrao, Advocate for the
petitioner.

Mr. B.V. Samant, AGP for State.

CORAM: S. V. GANGAPURWALA, ACTING CJ. &
SANDEEP V. MARNE, J.

DATE: APRIL 20, 2023.

P.C.:

1. The caste claim of the petitioner as belonging to 'Thakur Scheduled Tribe' is invalidated.
2. Amongst other submissions, one of the contention of the learned Counsel for the petitioner is that, two sons of the real uncle of the petitioner are granted Caste Validity Certificate under the orders of the Division Bench of this Court. The relationship appears to be that of the first cousins.

3. Relying upon the judgment of the Apex Court on **Apoorva d/o. Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee and Ors. 2010 (6) Mh.L.J. 401**, it is submitted by the learned Counsel for the petitioner that there are pre-constitutional era documents recording caste as 'Thakur' in the school documents of the ancestors of the petitioner.

4. The learned AGP submits that the petitioner has failed in the affinity test, nor there are contra documents on record.

5. We have considered the submissions. It appears that, Rahul son of Prakashrao Bagul is the son of the real paternal uncle of the petitioner. Similarly, Mohit son of Prakashrao Bagul is also the son of the real uncle of the petitioner. They also applied for issuance of Caste Validity Certificate. Their claims were invalidated. Mohit Prakashrao Bagul filed Writ Petition No. 10990/2012. The same is allowed by this Court under Judgment and Order dated 5.07.2013. It is submitted by the learned Counsel for the petitioner that the same has been confirmed by the Apex Court.

6. Similarly, Rahul Prakash Bagul has also filed Writ Petition No. 9188/2014. The same is allowed by Judgment and Order passed by this Court on 18.04.2019, wherein the Committee was directed to issue Caste Validity Certificate to him.

7. The paternal relatives of the petitioner is issued with the Caste Validity Certificate by the order of the Division Bench

of this Court The orders of the Division Bench of this Court are binding on the Committee. Ofcourse the Committee can consider, if the petitioner has played any fraud or made misrepresentation in obtaining the Caste Validity Certificate. However, that does not appear to be the finding.

8. In light of the above, the Judgment and order is quashed and set aside. The Committee shall issue Caste Validity Certificate of 'Thakur Scheduled Tribe' to the petitioner within fifteen days. Consequential reliefs shall follow.

9. Petition is disposed of.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)