



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14111 OF 2021

Mangesh S/o Panditrao Thakur,
Age : 34 years, Occu : Service,
R/o. M.P. Paldhi, Jalgaon, Tq. & Dist. Jalgaon,
At present resident of
101, First FLR Blossom CHS,
Tukaram Nagar, Ayra Road,
Dombivli East, Thane – 421 101

.. Petitioner

Versus

1] The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai – 32,
Through its Secretary

2] Scheduled Tribe Certificate
Scrutiny Committee,
Nandurbar,
Through its Member Secretary

3] Oil and Natural Gas Corporation Limited,
Human Resources & Employee Relation – Services
2nd Floor, 11 High Sion Bandra Link Road,
Mumbai – 400 017 Through its
General Manager (HR)

.. Respondents

**WITH
WRIT PETITION NO. 14121 OF 2021**

Pratiksha D/o Panditrao Thakur,
Age : 28 years, Occu : Service,
R/o, M.P. Paldhi, Jalgaon,
Tq. & Dist. Jalgaon,
At present resident of
101, First FLR Blossom CHS,
Tukaram Nagar, Ayra Road,
Dombivli East, Thane – 421201

.. Petitioner

Versus

1] The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai – 32,
Through its Secretary

2] Scheduled Tribe Certificate
Scrutiny Committee,
Nandurbar,
Through its Member Secretary

3] The New India Assurance Company Ltd.,
Chief Manager, CL III & IV Cell Officer,
Corp : HRM,
87, M.G. Road, Fort Mumbai 400 001,
Through its Manager

.. Respondents

...
Advocate for petitioners in both WPs : Mr. Digambar B. Shinde
AGP for respondents no. 1 and 2 : Mr. S.R. Wakale (WP/14111/2021)
AGP for respondents no. 1 and 2 : Mr. R.K. Ingole (WP/14121/2021)
Advocate for respondent no. 3 : Mr. Aashish T.Jadhavar (WP/14111/2021)
Advocate for respondent no. 3 : Mr. Mohit R. Deshmukh (WP/14121/2021)
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**CORAM : MANGESH S. PATIL &
Y. G. KHOBRADE, JJ.**

DATE : 12 MARCH 2025

ORDER (MANGESH S. PATIL, J.) :

By these separate writ petitions, the petitioners who are brother and sister *inter se*, are taking exception to the common judgment and order dated 30.11.2021 of respondent no. 2 - scrutiny committee, refusing to validate their 'Thakur' scheduled tribe certificates.

2. Rule. It is made returnable forthwith. Learned AGPs for respondents no. 1 and 2 and learned advocates for the contesting respondent no. 3 waive service.

3. On the joint request, the matters have been heard finally at the stage of admission and since the challenge is to the common order, the petitions are being disposed of by this common judgment.

4. Learned advocate for the petitioners would advert our attention to the genealogy and would submit that there are several blood relations of the petitioners who possess certificates of validity which were issued by following due process of law and the petitioners are entitled to derive the benefit of such validities in the light of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326***. He would submit that the stand of the committee refusing to consider these validities for want of record in the matter of one Ranjak Babasaheb Vishve, Pravin Ganpat Vishve and Nilesh Ganpat Vishve, is not legally sustainable. Even the stand of the committee in refusing to consider these validities holding that each claim has to be considered independently based on the evidence produced in support of the claim, is not legally sustainable.

5. Learned advocate would further submit that the committee has also illegally referred to the invalidation of one Jyoti Narayan Vishve, first degree cousin of the petitioners, which was confirmed up to the Supreme Court. He would submit that this Court has consistently held that even if the invalidities are not disclosed or are

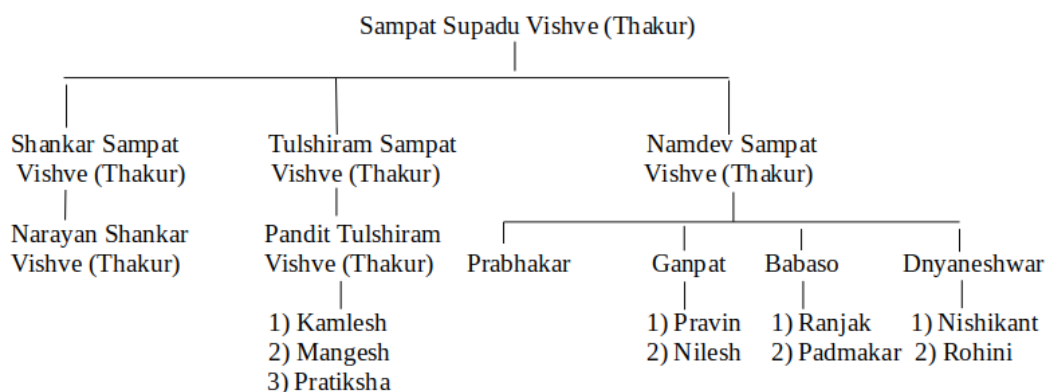
actively concealed, since the order of invalidation would bind the claimant therein, it cannot operate as *res judicata* against the petitioners.

6. Learned advocate for the petitioners thus submits that the impugned judgment and order and attempt of the committee to apply affinity, area restriction and refusing to consider the validities are contrary to the trite legal principles laid down in the matter of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti*** (supra) and ***Palaghat Jila Thandan Samuday Sanrakshan Samiti and Anr. Vs. State of Kerala and Anr.; (1994) 1 SCC 359***, respectively.

7. Learned AGP would vehemently submit that all the earlier validity holders had purposely concealed invalidation of Jyoti Narayan Vishve. It would constitute fraud. Fraud vitiates every solemn act and that in itself should be sufficient and legally sustainable ground for the committee to ignore the validities of the blood relations.

8. We have considered the rival submissions and perused the papers.

9. There is no dispute about the genealogy which is as under:-



10. Admittedly, there are several validities in the family, some of which have been issued pursuant to the orders of this Court viz. Padmakar Babasaheb Vishve (writ petition no. 15 of 2009 decided on 16.03.2017), Pravin Ganpat Vishve and his brother Nilesh Ganpat Vishve (writ petition no. 6397 of 2007 decided on 11.12.2014). Besides, admittedly, Ranjak Babasaheb Vishve also possesses a certificate of validity which has been referred to and relied upon while deciding the matters of Pravin and Nilesh.

11. Considering the principles laid down in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti*** (supra) since the division benches of this Court held the petitioners' blood relatives entitled to have certificates of validity, in our view, it would be a case of decision by following due process of law as laid down in paragraph 22 therein. Consequently, the observations of the committee while refusing to consider the validities on the ground that each case has to be decided on its own, is not legally sustainable.

12. Similarly, inability of the record to be verified in the matter of Ranjak Babasaheb Vishve and Pravin Ganpat Vishve and Nilesh Ganpat Vishve would also be equally unsustainable ground. The committee could not have, for want of record, refused to consider the validities when the petitioners and the validity holders cannot be blamed for the record being not traceable.

13. True it is that there is an invalidation of Jyoti Narayan Vishve's certificate and the order has attained finality right up to the Supreme Court. However, we have been consistently holding that the decision of the scrutiny committee would only bind the claimant and would not bind the blood relatives, for the simple reason that they are not parties to such adjudication and that a blood relative may be able to substantiate his claim by leading cogent and relevant evidence sufficient enough to discharge the burden cast upon him under section 8 of the Maharashtra Act No. XXIII of 2001.

14. In the light of above, assuming for the sake of arguments that the validities were obtained by the petitioners' relatives mentioned herein-above, deliberately concealing the order of invalidation of a similar claim of Jyoti Narayan Vishve, that cannot be a decisive factor in the light of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti*** (supra).

15. In view of above, both the petitions are allowed.
16. Impugned order is quashed and set aside.
17. The committee shall immediately issue certificates of validity to both the petitioners as belonging to 'Thakur' scheduled tribe in the prescribed format without adding anything.
18. Rule is made absolute accordingly.

[Y. G. KHOBRADE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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