



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7440 OF 2024

Jayawant S/o Balkrishna Suryawanshi
Age- 56 years, Occ. Service,
R/o. At Post Peth, Tq. Walwa, Dist. Sangli. ...Petitioner

Versus

1. The State Of Maharashtra
Department Of Tribal Development,
Mantralaya, Mumbai,
Thr. Its Secretary.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Pune Division,
Pune-Through its Member Secretary.
3. The Sub divisional Officer
Kadgaon, Tq. Kadgaon, Dist. Sangli. ...Respondents

WITH
WRIT PETITION NO.15899 OF 2024

Rohan S/o Sampatrao Suryawanshi
Age- 23 years, Occ. Student,
R/o Sankalp Building, Flat No. 3,
Behind LIC Office, Wada Road,
Rajgurunagar, Tq. Khed, Dist. Pune. ...Petitioner

Versus

1. The State Of Maharashtra
Department Of Tribal Development,
Mantralaya, Mumbai. 32.
Thr. Its Secretary.

2. The Scheduled Tribe Certificate Scrutiny Committee, Pune Division,
5th Floor, C- Wing, Kapil Towers,
Near RTO Office, Pune.
Through its Member Secretary. ...Respondents

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Adv. Sushant Y. Jinturkar for the Petitioners.
Adv. P. P. Kakade, Add. GP a/w T. J. Kapre, AGP for Respondent Nos. 1 & 2.
Adv. P. P. Kakade, Add. GP a/w Nisha Mehra, AGP for Respondent Nos. 1 to 3 in WP/7440/2024.

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**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 12th NOVEMBER, 2024

ORAL JUDGMENT (Per Ravindra V. Ghuge, J.) :-

1. **Rule.** Rule made returnable forthwith and heard finally by the consent of the parties.
2. Both these Petitioners have suffered rejection of their claim of belonging to the Thakar Scheduled Tribe category vide the impugned decision of the committee, dated 22nd December, 2023 and 24th April, 2024, respectively.
3. Having considered the extensive submissions of the learned Advocates for the respective sides, we have considered the family tree

submitted by one the Petitioners, namely Rohan, dated 27th July, 2022 along with his Affidavit addressed to the committee in support of his claim. The Petitioner is the son of Sampatrao. Sampatrao has three siblings namely Alka, Lalita and Jayawant. The first Petitioner Jayawant and the second Petitioner Rohan, son of Sampatrao, are aggrieved that their claims have been invalidated when the father of the Petitioner Rohan, namely Sampatrao, who is the biological brother of the Petitioner Jayawant, has a validity certificate. Similarly, Alka who is the biological sister of Sampatrao and Jayawant, also has been granted a validity certificate, by the High Court.

4. Both Sampat and Alka, were before this Court in Writ Petition No. 5624 of 2022 and Writ Petition No.12705 of 2019. By judgment and order dated 14th March, 2022, Writ Petition No. 12705 of 2019, filed by Alka, was allowed and she was granted the validity certificate of Thakar Scheduled Tribe category. Similarly, Sampat @ Sampatrao's Writ Petition No. 5624 of 2022, was allowed by judgment dated 29th June, 2022. This Court has granted him the Thakar Scheduled Tribe category validity certificate.

5. As such, the situation before us is that the Petitioner's father Sampatrao, his one sister Alka and a brother Jayawant, have been granted

the validity certificates. The law laid down in the case of ***Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur, [2010(6) Mh.L.J.401 : AIR 2010(6) Bom.R.21]***, would therefore, be applicable to the case of these Petitions.

6. The learned AGP has vehemently opposed both these Petitions on the ground that the verdict delivered by this Court in the case of Sampatrao and Alka, is likely to be carried in SLP before the Hon'ble Supreme Court. The proposal for seeking sanction to challenge the said judgments, is pending with the State Government for over a year. As soon as the said permission is granted, the State would challenge the said two judgments. It is, therefore, prayed that both these matters may be kept pending until the State files the SLP and until further orders from the Hon'ble Supreme Court.

7. We have considered the request of the State in the light of the fact that the first Petitioner is 56 years of age and his retirement is scheduled on 30th May, 2025. The Petitioner Rohan is 23 years old. Without the validity certificate, he is unable to secure admission in any professional course.

8. In the peculiar facts as recorded above, keeping in view that

Alka and Sampatrao are siblings and have been granted validity certificates by this Court, unless these judgments are set aside, we have no reason to take a different view. While the two judgments were delivered by this Court, adverse entries as like Hindu Maratha and Hindu Thakar were also considered. Old entries dated 7th July, 1920 and 14th November, 1929 were also taken into account. Finally, this Court was convinced that both Alka and Sampatrao deserve to be granted validity certificates.

9. Considering that the relationship of these two Petitioners, with Alka and Sampatrao, has not been disputed, the law laid down by the Hon'ble Supreme Court in the case of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and others, Civil Appeal No.2502/2022 decided on 24.03.2023, AIR 2023 SC 1657* and *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur, [2010(6) Mh.L.J.401 : AIR 2010(6) Bom.R.21]*, would be applicable to both these cases.

10. If the State Government approaches the Hon'ble Supreme court for challenging the judgments in favour of Alka and Sampatrao, and if, these judgments are set aside, naturally, the consequences that

would be suffered by Alka and Sampatrao, would be-fall upon these present two Petitioners, in view of the analogy in *Shweta Balaji Isankar vs. The State of Maharashtra and others*, Writ Petition No.5611/2018 decided on 27.07.2018.

11. In view of the above, **both these Writ Petitions are partly allowed**. The impugned orders are quashed and set aside. Both the Petitioners be granted the validity certificates of Thakar Scheduled Tribe within a period of 30 days from today.

12. We make it clear that if, the State approaches the Hon'ble Supreme Court and the Judgments delivered in the case of Alka and Sampatrao are interfered with, the consequences to be suffered by these two persons, would be-fall upon these Petitioners before us namely Rohan and Jayawant, and they would also suffer similar consequences.

13. **Rule is made partly absolute** in the above terms.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)