



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

WRIT PETITION (ST) NO.5605 OF 2020

Sayali d/o Prakash Gaikwad)
Age – 28 Years, Occ. Student,)
R/o. 889, Vivekanandnagar, Hatture Vasti,)
Airport – Hotgi Road, Solapur,)
Tq. and District Solapur)Petitioner

Versus

1] The State of Maharashtra,)
Department of Tribal Department,)
Mantralaya, Mumbai – 32)
Through 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

Mr. Sushant C. Yeramwar for the Petitioner.
Mr. P.P. Kakade, Addl. GP a/w. Mr. V.M. Mali, AGP for Respondent
Nos.1 and 2.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.
DATE : 26th MARCH, 2025**

ORAL JUDGMENT (PER RAVINDRA V. GHUGE, J.) :

1. Rule. Rule made returnable forthwith and heard finally
by the consent of the parties.

2. The Petitioner has put forth prayer clause (B) as
under :

(B) To quash and set aside the impugned decision

and order of the Committee dated 29.9.2008 (Exhibit-N) invalidating the Tribe Claim of the Petitioner and declare that the Petitioner belongs to 'Thakar Scheduled Tribe' and direct the Respondent No.2-Committee to issue the Certificate of Validity certifying that the Petitioner belongs to 'Thakar' Scheduled Tribe by issuing appropriate writ, orders, or directions as the case may be.

3. Insofar as the branch of Dattatray Baloba Gaikwad, who is the grandfather of the present Petitioner, we find that the Petitioner's biological brother Santosh, who had earlier suffered invalidation on three occasions and the matter was remanded by the High Court to the Committee for a rehearing on each occasion, was granted the validity certificate by the Committee itself on 4th November, 2019. While doing so, the order of this Court in Sweta Mohan Gaokar (Gaikwad) in Writ Petition No.8763 of 2018 was referred to extensively and based on the same, Santosh was granted a validity by the Committee.

4. Sweta, daughter of Mohan, is said to be the granddaughter of Gopal and the great granddaughter of Dagadu alias Bansi. Dagadu alias Bansi is said to be the biological brother of Bala Rama Thakar (Gaikwad). These two siblings have one more brother by name, Sadashiv. Sadashiv's daughter Pushpa is granted a validity certificate. Chandrashekhar, grandson of Dagadu alias Bansi

and son of Gopal, was granted a validity certificate. Sujata, daughter of Chandrashekhar and granddaughter of Gopal, was also granted a validity certificate.

5. It is pointed out from the order of the Committee dated 4th November, 2019 granting validity certificate to the Petitioner's biological brother Santosh, that the show cause notice for reopening of the validated cases of Chandrashekhar Gopal, Sujata Chandrashekhar, Keshav Dattatray and Pushpavati Sadashiv, were recalled by the Committee and their validity certificates are intact. The son and daughter of Shailesh, namely, Saurabh and Pratiksha, who are the grandchildren of Shaliwan, biological brother of the Petitioner's father Prakash, have also been granted a validity certificate. These relations have not been contradicted by the Committee.

6. Considering the above and keeping in view the law laid down by the Division Bench of this Court in the case of ***Apoorva d/o Vinay Nichale v/s. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur¹***, this Petition is partly allowed. The impugned order dated 29th September, 2008 is quashed and set aside.

1 2010 (6) Mh. L.J. 401 : AIR 2010 (6) Bom. R.21

7. By way of precaution, we are observing that if any validity certificate, relied upon by the present Petitioner, is subsequently invalidated by the reopening of any case, the law laid down by this Court in the case of *Shweta Balaji Isankar v/s. The State of Maharashtra and Ors.*² would apply to the case of the present Petitioner as well. With these observations, the Committee would issue the 'Thakar Scheduled Tribe' certificate to the Petitioner within a period of 30 days from today.

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

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

² 2018 SCC OnLine Bom 10363