

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4079 OF 2026

Shravani d/o Rajesh Gaikwad,
Age- 19 years, Occupation : Student,
R/o "Kaustubh", Near Blood Bank,
Satav Colony, Madha Road, Kurduwadi,
Taluka : Madha, District : Solapur-413 001.

- Petitioner

Versus

1. The State of Maharashtra,
Department of Tribal Development,
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- 416 002.
Through its Member Secretary.

...Respondents.

Mr. Saurabh Tandale with Mr. Shantanu Yeranwar (Through VC), Advocate for the Petitioner.

Mr. N. C. Walimbe, Additional Government Pleader for the Respondents-State.

Coram : Sharmila U. Deshmukh &
Neeraj P. Dhote, JJ.

Reserved on : September 17, 2026.
Pronounced on : September 22, 2026.

JUDGMENT : (Per Neeraj P. Dhote, J.)

1. Heard finally by consent of both the sides at the admission stage.

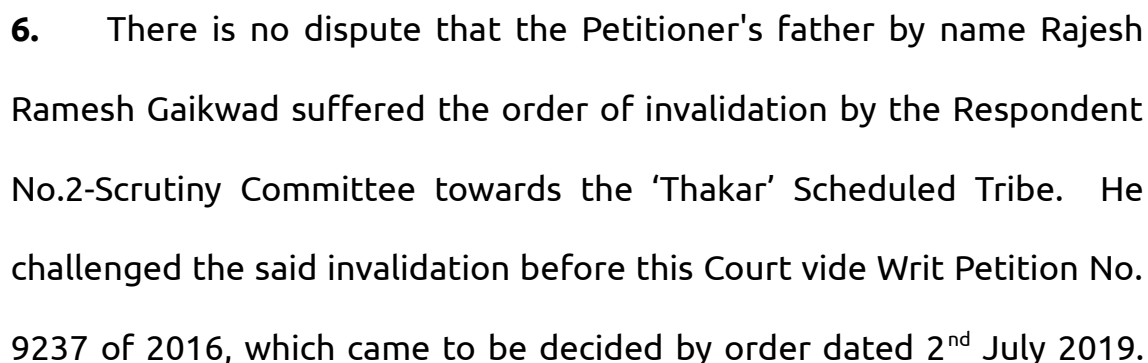
2. Impugned in this writ petition is the order dated 24th July 2026 passed by the Respondent No.2-Scrutiny Committee invalidating the Petitioner's claim towards the 'Thakar' Scheduled Tribe. The Petitioner, who is the student, claims to be belonging to the Thakar Scheduled Tribe. The Competent Authority issued the caste certificate to the Petitioner as belonging to the 'Thakar' Scheduled Tribe. The educational institution, where the Petitioner was taking education, referred the Petitioner's claim to the Respondent No.2-Scrutiny Committee for verification. The Petitioner submitted several documents in support of her claim including the validities to the blood relatives pursuant to the orders of this Court in various writ petitions. The Petitioner also disclosed that, her father's claim towards the 'Thakar' Scheduled Tribe was invalidated by the Respondent No.2-Scrutiny Committee and the said invalidation has attained finality. The Respondent No. 2 Scrutiny Committee directed inquiry by the Vigilance Cell. The Vigilance Cell conducted the necessary inquiry and submitted its report. The copy of the Vigilance Cell report was served on the Petitioner. The Petitioner gave her say to the report of Vigilance Cell. Considering the documents available on record, the Respondent No.2-Scrutiny Committee passed the impugned order invalidating the Petitioner's tribe claim.

3. It is submitted by learned counsel for the Petitioner that there is

no dispute in respect of the genealogy submitted before the Committee by the Petitioner. The Vigilance Cell report shows the old entries of 'Thakar' in the documents of the blood relatives from the paternal side of the Petitioner. There were some rejections in the blood relations of the Petitioner. The Respondent No.2-Scrutiny Committee did not consider the various validities granted in favour of the blood relatives of the Petitioner from the paternal side and invalidated the Petitioner's claim, mainly on the ground that, her father's claim towards the 'Thakar' Scheduled Tribe was invalidated. This Court set aside the show cause notices issued by the Respondent No.2-Scrutiny Committee to some of the validity holders and the impugned order was thus unsustainable and be set aside. He placed on record the copies of the orders by this Court in various writ petitions in support of prayers made in the petition.

4. It is submitted by the learned AGP that, the claim of the Petitioner's father towards the 'Thakar' Scheduled Tribe was invalidated by the Respondent No.2-Scrutiny Committee, and therefore, the impugned order is just and proper and requires no interference.

5. The papers annexed to the petition goes to show that the Petitioner's father filed the affidavit in the prescribed format and provided the genealogy. The said genealogy of the Petitioner from the parental side is not disputed by the Respondent No.2-Scrutiny Committee. The genealogy is reproduced below:



The copy of the said order goes to show that, the Respondent No.2-Scrutiny Committee invalidated the Petitioner's father's tribe claim on the ground of suppression of fact of earlier invalidation of his tribe claim and withdrawal of the petition, challenging the earlier invalidation and fraud. The observation in the said order goes to show that, this Court observed that, *the Petitioner, while his writ petition challenging invalidation of his earlier caste certificate was pending in this Court, approached the authority and obtained a new caste certificate, surreptitiously withdrew the petition and obtained a new validity certificate.* The said order goes to show that, the Petitioner's father's tribe claim was not examined and adjudicated on merits by this Court. The petition was dismissed solely on the ground of suppression of facts and fraud.

7. The copy of the affidavit submitted by Petitioner's father to the Respondent No.2-Scrutiny Committee in the matters of the Petitioner's tribe claim goes to show that, the details of the validity holders in their blood relations, including the number of writ petitions and the date of decisions were provided in the affidavit. The Petitioner has placed on record the copies of the orders passed by this Court in various writ petitions filed by the paternal blood relatives of the Petitioner shown in the above genealogy. As many as 17 paternal side relatives of the Petitioner are issued the validity certificates pursuant to orders of this

Court. Perusal of the orders passed in the writ petitions by some of the relatives named in the above genealogy goes to show that, this Court considered the contra entries found in the records of the ancestors of the Petitioner. Thus, the contention of contra entries considered by Respondent No.2-Scrutiny Committee in the impugned order becomes inconsequential. The order dated 4th December 2023 passed in Writ Petition No.3463 of 2023 (Shrikant s/o. Mahadeo Gaikwad vs. State of Maharashtra and others) and 11 other connected writ petitions goes to show that, the order dated 2nd March 2023 cancelling the validity certificates by the Respondent No.2-Scrutiny Committee in respect of the parental blood relatives of the Petitioner, as shown in the above genealogy, was set aside. The observation in the said order shows that, this Court noted that, *the Committee sought to review its order granting validity, by referring to certain old entries that were not noticed earlier while granting validity certificates, did not find favour with this Court, as the very same documents were the subject matter of consideration in the case of Snehal Dilip Gaikwad v. Scheduled Tribe Caste Certificate Verification Committee, Pune & Ors. in Writ Petition No. 8152 of 2019 and this Court noted that in view of the adjudication, wherein the same material that was considered while granting validity, were revisited. Therefore, there was no reason to recall the validity certificates issued to the Petitioners therein.*

8. Though it is mentioned in the impugned order that pursuant to the order dated 6th of December 2024 in Writ Petition No. 7262 of 2022 filed by Rupesh Gaikwad, whereby this Court set aside the show cause notice, the Respondent No.2-Scrutiny Committee was considering approaching the Hon'ble Supreme Court of India, it was submitted by the learned AGP, on instructions, that no Special Leave Petition (SLP) was filed by Respondent No.2-Scrutiny Committee against the said order. It is, thus, clear that, several blood relatives of the Petitioner from the parental side are issued the validity certificates towards the 'Thakar' Scheduled Tribe pursuant to the decisions of this Court. As the invalidation of the tribe claim of the Petitioner's father was on the ground of fraud and misrepresentation and this Court dismissed the petition on the said ground, the same will not be an impediment for the Petitioner in challenging the invalidation of her tribe claim. The position under the law is well settled that if the blood relatives hold the validity of a particular caste or tribe duly issued, the other blood relatives from the paternal side cannot be denied the validity for the same caste or tribe.

9. In the backdrop of the undisputed aspects of the matter that, several blood relatives of the Petitioner from the paternal side are holding the validities towards the 'Thakar' Scheduled Tribe pursuant to orders of this Court, the impugned order is liable to be set aside, as the

same is based on the reasons of contra entries and invalidations to some of the ancestors from the paternal side which fell for consideration of this Court in the writ petitions filed earlier by the blood relatives of the Petitioner and are allowed.

10. Hence, the following order:

ORDER

- i) The Writ Petition is allowed.
- ii) The order dated 24th July 2026 passed by Respondent No. 2 Scrutiny Committee invalidating the Petitioner's claim towards the 'Thakar' Scheduled Tribe is quashed and set aside.
- iii) The Respondent No.2-Committee is directed to issue the validity certificate to the Petitioner as belonging to the 'Thakar' Scheduled Tribe within a period of two (2) weeks from today.
- iv) The Writ Petition stands disposed of.

[Neeraj P. Dhote, J.]

[Sharmila U. Deshmukh, J.]

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signed by
RAJU
DATTATRAYA
GAIKWAD
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