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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2142 OF 2019

Deepali Satyawan Bhadekar and Anr. … Petitioners
Versus
The State of Maharashtra and Ors. ... Respondents

ALONGWITH
WRIT PETITION NO. 438 OF 2016

Pradeep Devidas Bhadekar … Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

ALONGWITH
WRIT PETITION NO. 4142 OF 2018

Ashok Parshuram Bhadekar … Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

Mr. Sushant Y. Jinturkar for the Petitioners.
Mr. K.S. Thorat, "B" Panel Counsel for the Respondent/State in WP/2142/2019.
Ms. R.A. Salunkhe, AGP for the Respondent/State in WP/438/2016.
Mr. V.S. Nimbalkar, AGP for the Respondent/State in WP/4142/2018.
Ms. Rupali Andhare, Law Officer, Caste Scrutiny Committee, Pune present.

CORAM : M. S. KARNIK AND SANDESH D. PATIL, JJ.
DATED : 20th AUGUST, 2026.

ORAL ORDER : (PER M.S. KARNIK, J.)

1. Heard learned Counsel for the Petitioners and learned AGP for the Respondents.

2. The caste claim of the Petitioner as belonging to the "Thakar" Scheduled Tribe has been invalidated by the Scrutiny Committee. During the pendency of these Petitions, it is the case of the learned Counsel for the Petitioners that close blood relatives of the Petitioners have been granted the Certificates of Validity. Our attention is invited to the judgment dated 15th September, 2023 of this Court in ***Atharv Manohar Bhandekar vs. State of Maharashtra and Anr.***[1] whereby the Scrutiny Committee was directed to issue the Certificate of Validity to the Petitioner. Paragraph Nos. 2 to 6 of this judgment reads thus :

> *2. Learned counsel for the petitioner seeks time to file rejoinder in the matter. However, considering the reasons stated in the impugned order and the urgency expressed by the learned counsel for the petitioner, it may not be proper to wait for the reply of the respondents. This is more so when there would be practically nothing left for the Scrutiny Committee to say anything about the impugned order other than what it has already said by giving the reasons in the impugned order. Therefore, we do not find that reply of the Scrutiny Committee is necessary and we are of the view that this petition can be decided by merely considering the correctness or otherwise of the reasons stated in the impugned order passed by the Scrutiny Committee.*
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> *3. In the present case, there is one validity already existing in the family of the petitioner. That validity has been granted to one Swati, paternal aunt of the petitioner showing that she is a person who belongs to "Thakar" Scheduled Tribe. This validity has not been so far cancelled and it is stated in the impugned order that*

1 Writ Petition No. 11656 of 2023

the show-cause notice for cancellation of the same is contemplated. If any such show-cause notice has been issued or would be issued in future, the proceedings initiated or to be initiated thereupon would take their own time. It is also not certain at this stage as to whether or not those proceedings would be valid or not and if they are held to be valid and within jurisdiction, it is still uncertain as to what would be the fate of the whole proceedings.

4. We have a long developed body of law, which tells us that as long as validity certificate granted to a paternal family member exists, it constitutes a conclusive proof of the social status of that person to whom the validity certificate is issued. In families which are governed by patriarchal system, all the members of the families take the same caste as that of the common ancestor. In such families there would not be any members who would have different castes at the same time. Applying this logic, this Court in several cases has observed that a validity certificate issued to a blood relative from the paternal side would serve as a strong and valid proof for establishing the claim that such person belongs to same caste which is shown in the validity certificate granted to the blood relative.

5. The above referred law has been discussed in a recent case decided by us on 14th September, 2023 in Writ Petition No.10759 of 2023 in Tejashree Mangilal Dambale Vs. The Scheduled Tribe Certificate & Ors. The facts of this case are similar to the facts of the present case, and therefore, also for the reasons stated hereinabove, this petition deserves to be allowed for the same reasons and in similar fashion.

6. In the result, the petition is allowed. The impugned order is quashed and set aside.

3. Atharv is a close blood relative of the Petitioners from the paternal side. Learned Counsel for the Petitioners referred to the genealogy which was verified by the Scrutiny Committee. In the said genealogy, the name of Atharv's father, i.e., Manohar is shown. In so far as the proceedings relating to Atharv is concerned, the genealogy referred to clearly indicates the name of the Petitioners as close blood relatives. Not only that but the Scrutiny Committee while rejecting the caste claim of Atharv has referred to the invalidation of the caste claim of the Petitioners. There does not appear to be doubt that Atharv Manohar Bhadekar is a close blood relative of the Petitioners from the paternal side.

4. Learned AGP opposed the Petitions. He submitted that the Scrutiny Committee, by a reasoned order has invalidated the caste certificate. Further, heavy reliance is placed on the decision of this Court in the case of Seema Bhadekar who is the real sister of the Petitioner - Deepali Satyawan Bhadekar which was confirmed right upto this Court, and even the Review Petition was rejected to contend that once the caste claim so far as Seema is concerned is final, the same consequence will follow even in so far as the present Petitioners' case is concerned. The caste claim of Seema was invalidated. The challenge to the Scrutiny Committee's order failed right upto the Hon'ble Supreme Court.

5. It is, thus pertinent to note that so far as Seema Satyawan Bhadekar, who is the real sister of the Petitioner - Deepali, is concerned, her caste claim was invalidated. This Court by the order dated 9th October, 2019 upheld the order of the Caste Scrutiny Committee invalidating the caste claim of Seema. The Review Petition has since been rejected.

6. It is significant to note that in Atharv's case, the Scrutiny Committee, while invalidating the caste claim has placed reliance on the decision of this Court in Seema Satyawan Bhadekar's case. Thus, there is no dispute that Seema is a close blood relative of Atharv.

7. When the order passed by the Scrutiny Committee in Atharv's case invalidating his caste claim was challenged in this Court, the coordinate bench of this Court, by the aforesaid order dated 15th September, 2023 for the reasons which have been reproduced hereinabove, set aside the order passed by the Scrutiny Committee invalidating the caste claim of Atharv and thereupon issued directions to grant a certificate of validity to Atharv as belonging to the "Thakar" Scheduled Tribe.

8. It is also material to state that in Paragraph No.7, the coordinate bench directed the issuance of validity certificate to Atharv,

which was subject to the outcome of the proceedings initiated or to be initiated upon a Show Cause Notice issued or to be issued to Swati Chandrakant Bhadekar. We are informed that a Show Cause Notice has been issued to Swati Chandrakant Bhadekar, but no final orders have been passed.

9. No doubt Seema is the real sister of the Petitioner – Deepali and a close blood relative of the Petitioners – Pradeep and Ashok whose caste claims have been invalidated. Subsequent developments indicate that based on the caste validity certificate issued to close blood relatives, from the paternal side, they have been issued with a certificate of validity. The Scrutiny Committee has exhaustively dealt with the invalidation of Seema's caste claim while invalidating the caste claim of Atharv. This Court however, for the reasons mentioned hereinabove, set aside the order passed by the Caste Scrutiny Committee in Atharv's case. This being the position, and when admittedly the Petitioners are close blood relatives of Atharv from the paternal side, as even the genealogy has been verified by the Scrutiny Committee, we see no reason to deny relief to the Petitioners as prayed. In view of the law laid down in ***Apoorva d/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and Others***[2]**,** the Petitions are allowed.

2 2010(6) Mh. L.J. 401

10. The issuance of the validity certificate to the Petitioners stating that they belong to the "Thakar" Scheduled Tribe is on the condition that the validity certificates shall be subject to the outcome of the proceedings initiated or to be initiated upon a Show Cause Notice issued or to be issued to Swati Chandrakant Bhadekar.

11. All Writ Petitions are accordingly allowed. The orders passed by the Caste Scrutiny Committee are quashed and set aside. The Caste Scrutiny Committee may take further steps to issue the certificates of validity to the Petitioners under "Thakar" Scheduled Tribe within a period of six weeks from today.

12. All Writ Petitions stand disposed of.

13. In view of the above said order, the result of the interview held on 13th August, 2020 in the case of Deepali Satyawan Bhadekar be declared, and further consequential steps are permitted to be taken.

(SANDESH D. PATIL, J.) **(M. S. KARNIK, J.)**