

Kavita S. J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10481 OF 2026

Om Sanjay Chavan

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Ms. Bhagyashri Mangate for the Petitioner.

Ms. Priyanka Chavan, AGP for Respondent – State.

Ms. Rupali Andhare, Law Officer, The Schedule Tribe Certificate Scrutiny Committee, Pune is present.

CORAM : R.I. CHAGLA AND
FIRDOSH P. POONIWALLA, JJ.

DATE : 12th OCTOBER, 2026.

ORDER :

1. Rule. Rule made returnable forthwith. Heard by consent of the parties.

2. By this Petition, the Petitioner is seeking quashing and setting aside of the impugned order dated 13th February 2025 passed by the Respondent No. 2 - Scrutiny Committee. Further prayer is sought for holding and declaring the Petitioner as belonging to the

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Thakar caste, a Scheduled Tribe. A consequential direction is sought against the Respondent No.2 - Scrutiny Committee to forthwith issue Certificate of Validity to the Petitioner as belonging to the said Tribe.

3. The Petitioner had been issued Caste Certificate dated 4th January 2019 by Sub-Divisional Officer, Daund, Purandar.

4. The Petitioner had thereafter made an Application for issuance of the Caste Validity Certificate on 7th April 2021.

5. The Respondent No.2 - Scrutiny Committee had passed an Order dated 9th December 2021 invalidating the Petitioner's Tribe Certificate.

6. The Petitioner had filed Writ Petition No. 9273 of 2021 impugning the said Order dated 9th December 2021 passed by the Respondent No.2 - Scrutiny Committee. This Court in the Writ Petition No.9273 of 2021 passed Order dated 11th January 2024. This Court observed that the two pre-constitutional documents viz. of the Petitioner's cousin grandfather Vitthal Pitambar Chavan and great grandmother Rakhama Ko Pila Thakar dated 10 July 1938 and 2nd September 1947 respectively had not been considered by the

Scrutiny Committee. The Respondent No.2 - Scrutiny Committee had proceeded mainly on the basis of the Affinity Test which was held against the Petitioner. The Petitioner had placed reliance upon the Judgment of the Supreme Court in ***Maharashtra Adhivasi Thakur Jamat Sanrakshan Samiti v. State of Maharashtra and others (2023 SCC OnLine SC 326)*** which held that Affinity Test is no more a test to decide a Caste Claim and the same cannot be conclusive either way. Accordingly, the impugned Order dated 9th December 2021 was set aside and the Petitioner's case No.109 of 2021 for validation of Tribe Certificate was restored to the file of Respondent No.2 - Scrutiny Committee.

7. Thereafter the Respondent No.2 - Scrutiny Committee on remand has reconsidered the matter and by the impugned Order dated 13th February 2025 invalidated the Caste Certificate of the Petitioner.

8. Accordingly the present Writ Petition has been filed.

9. Ms. Bhagyashri Mangate, learned Counsel appearing for the Petitioner has placed reliance upon the Validity Certificates being issued to the paternal blood relatives of the Petitioner. She has relied

upon the Judgment of this Court in *Omkar Santosh Chavan v. State of Maharashtra and others, writ Petition (L) No. 23349 of 2019 dated 25th January 2021* where a Petition had been filed by the paternal uncle of the Petitioner claiming to belong to the Scheduled Tribe of “Thakar” and impugning the order passed by the Scrutiny Committee invalidating the Petitioner's Tribe Claim. This Court found merit in the Petition and the fact that the Petitioner’s claim was supported by a Validity Certificate issued by the Scrutiny Committee to the Petitioner's cousin uncle who demonstrably is a close paternal relation as disclosed in the family tree of the Petitioner and which fact was not in dispute. Further, there was abundance of pre-constitutional documents in support of the cousin uncle's Tribal Claim, which claim had been admitted and accepted by the Scrutiny Committee. The only reason given by the Scrutiny Committee in the impugned order for disregarding the Validity Certificate of the Petitioner’s cousin Uncle was that some of the documents which were prior to the year 1950 described them as Maratha or Marathi. These were not available before the Scrutiny Committee and accordingly, the Validity Certificate appeared to be based on “suppression of facts and misrepresentation”.

10. This Court found it difficult to see how this amounts to suppression of facts or misrepresentation on the part of the Petitioner's cousin uncle. Accordingly, this Court had granted Rule by making the Petition absolute and quashing the impugned order of the Scrutiny Committee and directing the Scrutiny Committee to forthwith issue Tribe Validity Certificate to the Petitioner.

11. Ms. Mangate also placed reliance upon the Judgment of this Court in ***Shubham Santosh Chavan v. State of Maharashtra and others, Writ Petition No. 8530 of 2026 and dated 10th July 2026.*** This Petition had been filed by the brother of Omkar Santosh Chavan, who is also the paternal uncle of the present Petitioner. This Court followed the order in ***Omkar Santosh Chavan (Supra)*** in allowing the Petition and directed issuance of Validity Certificate to the Petitioner as belonging to the Thakar, Schedule Tribe Category. The order of the Scrutiny Committee which had invalidated the Caste Certificate of the Petitioner has accordingly been set aside.

12. Ms. Mangate has submitted that the aforesaid orders of this Court, passed in Petitions of the Petitioner's paternal blood relatives, were binding on the Scrutiny Committee and could not

have been discarded by them merely on the ground that they were considering a challenge to these orders, though no such proceedings had been instituted. This is despite the first order in ***Omkar Santosh Chavan (supra)*** having been passed way back on 25th January 2021. She has accordingly sought for the present Petition to be allowed by setting aside the impugned order of the Scrutiny Committee and directing issuance of the Caste Validity Certificate to the Petitioner.

13. Ms. Priyanka Chavan, learned AGP appearing for the Respondent No.1 and 2 - Scrutiny Committee has supported the impugned order. She has submitted that in compliance with the order of this Court dated 11 January 2024, in the first round of litigation, the pre-constitutional documents have been considered, and it has been found that the documents were torn and hence no reliance could be placed upon them. She has submitted that vigilance cell inquiry had not been held in cases where the paternal blood relatives had been granted Validity Certificate. Reliance has been placed on the Judgment of the Supreme Court in ***Maharashtra Adhivasi Thakur Jamat Surakshan Samiti v. State of Maharashtra and others AIR 2023 Supreme Court 1657***, which holds that if it is established that the Validity Certificate has been granted without holding proper inquiry

or without recording reasons, the Caste Scrutiny Committee cannot validate the Caste Certificate only on the basis of such Validity Certificate of the blood relative.

14. Learned AGP has further submitted that in the present case, the Petitioner is guilty of suppression of facts and misrepresentation, as there were certain blood relatives of the Petitioner whose Caste Certificates had been invalidated. This is on the ground that in the documents relied upon by them there were inconsistencies in mentioning the tribe to which they belong. She has submitted that this has been taken into consideration by the Respondent No.2 - Scrutiny Committee in invalidating the claim of the Petitioner.

15. The learned AGP has further submitted that the Scrutiny Committee is contemplating taking out proceedings to challenge the decisions of this Court, which have been relied upon by the Petitioner, where the impugned orders of the Scrutiny Committee invalidating the Caste Claim of those Petitioners have been set aside and Caste Validity Certificate directed to be issued to them. She has accordingly sought for the Petition to be dismissed.

16. Having considered the submissions, it has been a consistent view of this Court, that mere mentioning by the Scrutiny Committee in their orders that they are in the process of taking out proceedings to challenge orders of this Court, which have validated the Caste Claim of the Petitioner, is insufficient without such proceedings having actually been taken out and the orders being stayed. The orders of this Court are binding on the Scrutiny Committee. In the present case, there are two orders passed in respect of the paternal blood relatives of the petitioner viz. the paternal uncles of the Petitioner. These are in the case of ***Omkar Santosh Chavan (supra)*** and ***Shubham Santosh Chavan (supra)***. In both these cases, this Court has considered their family tree and that close paternal blood relatives have been issued Caste Validity Certificates by the Scrutiny Committee. This Court has considered that in view of the Tribe Claim of the Petitioners being based on substantial footing and supported by indefeasible pre-constitution documents, the impugned Orders of the Scrutiny Committee deserved to be quashed and set aside with a direction to issue Tribe Validity Certificate to the Petitioners. These orders could not have been disregarded by the Respondent No. 2 - Scrutiny Committee. On this ground alone, the impugned Order of Scrutiny Committee

requires to be set aside.

17. We have also considered the order of this Court in the first round of litigation viz. Order dated 11th January 2024, in Writ Petition No. 9273 of 2021. This Court was mindful of the fact that there were pre-constitutional documents of the Petitioners' cousin, grandfather, and great grandmother dated 10th July 1938 and 2nd September 1947 respectively. Having so observed, it was inappropriate for the Respondent No. 2 - Scrutiny Committee to discard these pre-constitution documents on the ground that the documents were torn.

18. Further, the Respondent No. 2 - Scrutiny Committee has relied upon ***Maharashtra Adhivasi Thakur Jamat Samrakshan Samiti*** in support of their contention, that the Validity Certificates which had been issued by the Scrutiny Committee in case of the blood relatives of the Petitioners was without holding proper inquiry and accordingly, could not be considered. We find this reliance to be misplaced, particularly in view of this Court having held that there was merit in the claim of other paternal blood relatives of the Petitioner and directing the issuance of validity certificates.

19. We accordingly find much merit in the present Petition and the impugned Order of the Respondent No.2 - Scrutiny Committee requires to be set aside. Hence, the following order is passed:

- (i) The Petition is allowed.
- (ii) The impugned Order dated 13th February 2025 passed by the Respondent No. 2 - Scrutiny Committee is quashed and set aside.
- (iii) The Respondent No. 2 - Scrutiny Committee is directed to issue Certificate of Validity to the Petitioner, as belonging to Thakar, Scheduled Tribe in respect of Caste Certificates issued to the Petitioner by Sub-Divisional Officer, Daund-Purandar. This shall be issued within a period of two weeks from uploading of this order.
- (iv) The Writ Petition is accordingly disposed of.

[FIRDOSH P. POONIWALLA, J.]

[R.I. CHAGLA, J.]