

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

WRIT PETITION NO. 10505 OF 2022

Jyoti D/o Jalindar Gaikwad

.....Petitioner

Versus

The State of Maharashtra and Ors.

.....Respondents

.....

Mr. Anil V. Anturkar, Senior Advocate a/w Mr. Atharva Date, for the Petitioner.

Mr. A. I. Patel, Addl. G. P. a/w Ms. N. M. Mehra, A.G.P., for the Respondent-State.

Mr. Sandeep R. Waghmare, for the Respondent No.3.

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**CORAM : M. S. KARNIK &
SANDESH D. PATIL, JJ.**

DATE : 10th SEPTEMBER 2026

P.C.:-

1. Heard Mr. Anil V. Anturkar, learned Senior Advocate for the Petitioner.

2. Heard Mr. A. I. Patel, Addl. G. P., for the Respondent-State who opposed the Petition.

3. On 3rd September, 2026, we passed the following Order:

1. We have heard Mr. Anturkar, learned Senior Advocate for the Petitioner.

2. It is submission of Mr. Anturkar that the Petitioner's real sister namely, Yogita has been issued a certificate of

validity by the Caste Scrutiny Committee. The said certificate of validity is valid and subsisting. It is further submitted that no notice has been issued to Yogita by the Caste Scrutiny Committee for cancellation of such certificate. The reason why the Petitioner's caste claim has been rejected by the Caste Scrutiny Committee is that Yogita's validity certificate was granted without a report of the Vigilance Cell. The learned Senior Advocate Mr. Anturkar relied upon the decision in Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti V/s. State of Maharashtra in Civil Appeal No. 2502 of 2022 and reported in (2023) 16 SCC 415. Paragraph 33 is relevant reading thus:

"33. Hence, in view of the fact that the 2000 Act and Rules were not considered, the decision in Vijakumar is certainly not a binding precedent for the proposition that in every case, the Scrutiny Committee is required to take recourse to the affinity test by referring the case to the vigilance cell."

3. It is submission of Mr. Anturkar, learned Senior Advocate that once the close blood relative of the Petitioner has been issued with the certificate of validity, which is valid and subsisting, there is no reason to deny the same benefit to the Petitioner, moreso, for the reasons so mentioned in the impugned order.

4. The learned AGP seeks some time to come better prepared and make submissions.

5. List the Petition on 10th September, 2026 Part-heard.

4. Learned Addl. G. P. submits that a Show Cause Notice has been issued in the case of Yogita Jalindar Gaikwad who is the real sister of

the Petitioner as to why her Caste Certificate should not be cancelled. However, the said Show Cause Notice has not yet been taken to its logical conclusion. Subject to any legal impediment, it is obviously open for the Caste Scrutiny Committee to take the Show Cause Notice to its logical conclusion in accordance with law. We are not commenting anything so far as the merits or otherwise on the Show Cause Notice issued is concerned. Suffice it to observe that Yogita Jalindar Gaikwad had already been issued with a Certificate of Validity as belonging to Thakar Scheduled Tribe. If that is so, in view of the decision of the Hon'ble Supreme Court in *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Ors.*¹ the Petitioner-Jyoti Jalindar Gaikwad who is the real sister of Yogita Jalindar Gaikwad, being a close blood relative, is also entitled to have her Caste claim validated as belonging to the Thakar Scheduled Tribe. Hence, the following Order:

ORDER

- (i) The impugned Order dated 1st August, 2022 passed by the Respondent No.2-The Scheduled Tribes Certificate Scrutiny Committee, Pune Division, Pune is quashed and set aside.

1 (2010) SSC Online Bom 1053

(ii) The Respondent No.2 is directed to issue Certificate of Validity to Petitioner-Jyoti Jalindar Gaikwad as belonging to Thakar Scheduled Tribe within a period of six weeks from today.

(iii) It is however, made clear that, the Caste Scrutiny Committee may proceed with the adjudication of the Show Cause Notice issued to Yogita Jalindar Gaikwad and if at all any decision thereon is taken, the same consequences will ensue even in so far as the present Petitioner- Jyoti Jalindar Gaikwad is concerned.

(iv) In view of above, Writ Petition No.10505 of 2022 stands disposed of.

(SANDESH D. PATIL, J.)

(M. S. KARNIK, J.)