



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

WRIT PETITION NO.9668 OF 2007

Sunilkumar Rameshwar Gathe
Age 26 years, occ. Nil
r/o At & PO Asalgaon
Tq. Jalgaon Jamod
Dist. Buldhana

... Petitioner

Versus

1. The State of Maharashtra
Dept. of Tribal Welfare,
Mantralaya, Mumbai
[Copy to be served on
Govt. Pleader, High Court
Building at Nagpur]
2. The Committee for Scrutiny &
Verification of Tribe Claims
Amravati – Through its Chairman
3. The Sub Divisional Officer
Jalgaon Jamod, Dist. Buldhana
4. The Maharashtra State Electricity Board
Through its Superintending Engineer
[Sanchalan & Suwyawastha Mandal]
Vidyut Bhavan, Chikhli Road
Buldhana, Dist. Buldhana.
5. The Collector,
Collectorate, Buldhana

.... Respondents

Adv. R. K. Mendadkar, for the petitioner.

Mr. N. C. Walimbe, Addl.G.P. a/w Smt. R. M. Shinde, AGP for the
respondent-State.

**CORAM : M. S. KARNIK &
S. M. MODAK, JJ.**

DATE : 6th AUGUST 2026

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

1. Heard learned counsel for the parties.
2. Learned Additional Government Pleader for the respondent-State submitted that for verifying father and son relationship between the petitioner–Sunil and his son-Suyash, the matter may be remitted back to the Scrutiny Committee. This was on the basis of the decision of the Nagpur Bench of this Court in *Suyash Sunil Gathe vs. The Scheduled Tribe Caste Certificate Scrutiny Committee in Writ Petition No.2411 of 2023* dated 04/08/2023, whereby the claim of Suyash Sunil Gathe as belonging to ‘Thakur’ Scheduled Tribe has been validated by a reasoned order passed by this Court.
3. The petitioner has filed an additional affidavit dated 03/08/2026, wherein he has referred to the genealogy which was produced before the Scrutiny Committee when the claim of his son Suyash Sunil Gathe was being verified. The genealogy has been verified by the Vigilance Cell. In the said genealogy Suyash is

shown to be the son of the petitioner herein, that is Sunil. In such view of the matter, since the validity certificate has been issued in favour of the petitioner's son Suyash, in view of the law laid down by the Hon'ble Supreme Court in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra and Others**¹ the following three prerequisites have to be satisfied while giving weightage to the certificate of validity issued in favour of the close blood relative:-

- (i) The applicant must establish a clear and specific relationship with the person in whose favour the validity certificate has been issued;
- (ii) The Scrutiny Committee must verify whether the validity certificate was granted to the applicant's blood relative after due enquiry and in accordance with prescribed procedure; and
- (iii) The Scrutiny Committee must ascertain the genuineness of the validity certificate relied upon.

4. This Court in **Apoorva d/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and others**² has, in paragraph 4 held thus :-

“4. We have considered the matter and we are of the view that the petitioner's caste claim that she belongs to Kanjar Bhat-Nomadic Tribe ought to have been accepted by the Committee merely on the basis that identical caste claim

¹ (2023) 16 SCC 415

² 2010(6) Mh.L.J. 401

of her sister that she belongs to Kanjar Bhat has been allowed by the Committee, even apart from the Government Resolution. We are of the opinion that the guidelines provided by the said Govt. Resolution are sound and based on sound principles. It would indeed be chaotic otherwise. If the relationship by blood is established or not doubted, and one such relative has been confirmed as belonging to a particular caste, there is no reason why public time or money should be spent in the committee testing the same evidence and making the same conclusion unless of course the Committee finds on the evidence that the validity of the certificate of such relation has been obtained by fraud.”

5. For the very same reasons recorded in the order dated 04/08/2023 passed by the Nagpur Bench of this Court in Writ Petition No.2411 of 2023 in Suyash Sunil Gathe vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, the present writ petition also deserves to be allowed. Accordingly, the impugned order is quashed and set aside. It is declared that the petitioner has proved that he belongs to ‘Thakur’ Scheduled Tribe. The Scrutiny Committee is directed to issue the validity certificate to the petitioner within a period of four weeks from the date of receipt of this order.

6. The writ petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)