

Urmila Ingale

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

WRIT PETITION NO. 3560 OF 2015

Deepak Amarsing Shinde

.. Petitioner

Vs.

State of Maharashtra and ors.

.. Respondents

Mr.R.K.Mendadkar, for Petitioner.

Ms.R.M. Shinde, AGP for State.

**CORAM : RANJIT MORE &
M. S. KARNIK, JJ.**

DATE : 28th NOVEMBER, 2019.

ORDER :

. Rule. Rule is made returnable forthwith. Heard finally by consent of the parties.

2. The challenge in this Petition is to an order dated 19/03/2015 passed by respondent No.2 – Scheduled Tribe Caste Certificate Scrutiny Committee invalidating the tribe claim of the petitioner as belonging to 'Thakur', Scheduled Tribe.

3. By filing additional affidavit, the petitioner has placed on record caste validity certificate dated 20/08/2019 issued in favour of his real brother namely Pravinkumar Amarsing Shinde validating the tribe claim of Pravinkumar as belonging to 'Thakur' Scheduled Tribe. The said certificate has been issued in favour of the petitioner's real brother during the pendency of this Petition. This fact is not controverted by the

respondents. In the light of the law laid down by Division Bench of this Court in **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others, 2010(6) Mh.L.J. 401** and as the tribe claim of the close blood relative of the petitioner i.e. his real brother has been validated, the petitioner's caste claim needs to be validated.

4. We have gone through the genealogy which is at page 90 to the Petition. The petitioner has relied upon pre-constitutional documents in the form of school leaving certificate of his grandfather which is at page 84 indicating that the petitioner's grandfather left the school on 01/07/1941 wherein his caste is shown as 'Thakur'. Even the school leaving certificate of petitioner's grandfather's real brother shows his caste as 'Thakur'. This is also a pre-constitutional document. The Vigilance Committee does not say that the said documents are in any way fabricated or not genuine. In this light of the matter, present Petition deserves to succeed. Hence, the following order.

ORDER

- i) Petition is allowed. The impugned order is set aside.
- (ii) It is declared that petitioner belongs to 'Thakur' Scheduled Tribe.
- (iii) The respondent No.2 – Committee is directed to issue caste validity certificate in favour of the petitioner within a period of 4 weeks from today.

(iv) All consequential benefits shall follow.

5. Rule made absolute in the above terms with no order as to costs.

[M. S. KARNIK, J.]

[RANJIT MORE, J.]

Urmila
P.
Ingle

Digitally signed
by Urmila P.
Ingle
Date:
2019.12.03
16:00:17 +0530