

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
WRIT PETITION NO.6335 OF 2015

Santosh Murari Maske

.....Petitioner

Versus

The State of Maharashtra & Ors.

.....Respondents

Mr. R.K. Mendadkar for the Petitioner.

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

Ms. Savita A. Prabhune, Advocate for Respondent No.3.

Ms. Prajakta Mehendale, Law Officer of S.T.SVC.

**CORAM : RANJIT MORE &
SURENDRA P. TAVADE, JJ.**

DATE : 6th DECEMBER, 2019.

P. C. :

1. Heard learned counsel for the respective parties.
2. By this petition filed under Article 226 of the Constitution of India, the petitioner is challenging the order dated 29.05.2015 passed by Respondent No.2 - Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane (hereinafter referred to as "respondent No.2 Committee"). By the said order, respondent No.2 Committee has come to the conclusion that the claim of the petitioner, as belonging to "Thakar" scheduled tribe is not established and proved, and hence,

claim of the petitioner was held invalid. Consequently, the Caste Certificate issued to the petitioner, by the Deputy Collector @ Resident Deputy Collector, Sindhudurg, bearing No.MSC/ST/No.202/2001 dated 24.09.2001 was cancelled and confiscated.

3. Mr. Mendadkar, learned counsel for the petitioner has invited our attention to the affidavit filed by the petitioner dated 31.09.2009. By this affidavit, he has brought on record the genealogy of the petitioner. The genealogy shows that one Shivangi is cousin sister of the petitioner and Mahesh and Vallabh are cousin brothers of the petitioner. Document at Page No.115 of the petition is the validity certificate given to Shivangi, which shows that Shivangi was given certificate of validity on 04.10.2018 of her claim that she belonging to “Thakar” - scheduled tribe. Similar validity certificate is also issued to Mahesh Maske on 29.09.2018. So far as another cousin of the petitioner by name Vallabh is concerned, he was also granted validity certificate of his claim that he belongs to “Thakar”-scheduled tribe and this certificate was produced before respondent No.2 Committee.

4. The petitioner and his cousin brothers and sister are close blood relations, and therefore, the validity certificate given to the petitioner’s cousin brothers and sister can always be relied upon while consider the caste claim to the petitioner.

5. In that view of the matter coupled with the decision of the Division Bench of this Court in the case of **Apoorva d/o VinayNichale**

Vs. Divisional Caste Certificate Scrutiny Committee No.1 & Ors., 2010(6) Mh.L.J.401, the validity certificate deserves to be granted to the petitioner. The petition deserves to succeed. Hence, the following order.

ORDER

- (i) The petition is allowed with no order as to costs.
- (ii) The impugned order is quashed and set aside.
- (iii) It is declared that the petitioner belongs to the Thakar, Scheduled Tribe.
- (iv) Respondent No.2 – Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane, is directed to issue a certificate of validity to the Petitioner within a period of six weeks from today.
- (v) Needless to mention that all consequences shall follow.

[SURENDRA P. TAVADE, J.]

[RANJIT MORE, J.]