

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2903 OF 2018

Smt. Vaishali D. Bawalekar. ...Petitioner.
Versus
State of Maharashtra & Others. ..Respondents.

Mr. R. K. Mendadkar for the Petitioner.
Mr. K. S. Thorat, AGP for the Respondent-State.
Mr. Santosh Parab for MCGM.

Coram : RANJIT MORE &
SURENDRA P. TAVADE, JJ.
Date : **January 17, 2020.**

P. C. :

1. Heard the learned counsel appearing on behalf of the respective parties.
2. By this petition filed under Article 226 of Constitution of India, the Petitioner is challenging the order dated 4th January 2018 passed by Respondent No.2-Committee. Respondent No.2 Committee has come to the conclusion that claim of the Petitioner as belonging to "Thakkar" - scheduled tribe is not established and hence the claim of Petitioner was held invalid. Consequently, the caste certificate issued to the Petitioner by the office of Collector, Sindhudurg dated 1st October 2005 was cancelled and confiscated.
3. Mr. Mendadkar, learned counsel for the Petitioner

has invited our attention to the additional affidavit dated 11th June 2019 filed by the Petitioner. By this affidavit, the Petitioner has brought on record the genealogy of Petitioner. The said genealogy shows that one Bharat is the real brother of Petitioner. The document at page no.146 to the petition is the certificate of validity dated 3rd April 2019, issued by the Scheduled Tribe Certificate Scrutiny Committee, Thane, Division Kokan certifying that said Bharat belongs to “Thakkar” scheduled tribe.

4. The Petitioner and her brother-Bharat are close blood relatives and, therefore, the validity certificate given to the Petitioner’s brother can always be relied upon while considering the claim of the Petitioner as belonging to same scheduled tribe.

5. In that view of the matter and in the light of dictum laid down by the Division Bench of this Court in Apoorva d/o Vinay Nichale v. Divisional Caste Certificate Scrutiny Committee [2010(6) Mh.L.J. 401], the tribe validity certificate deserves to be granted to the Petitioner. The petition deserves to be allowed. Hence, we dispose of this writ petition by passing following order :

:- O R D E R :-

[i] The petition is allowed in terms of prayer clause (a), with no order as to costs.

- [ii] The impugned order is quashed set aside.
- [iii] It is declared that the Petitioner belongs to “Thakkar” scheduled tribe.
- [iv] Respondent No.2-Committee is directed to issue a certificate of tribe validity to the Petitioner within the period of six weeks from today.
- [v] Needless to state that all consequences shall follow.

[SURENDRA P TAVADE, J.]

[RANJIT MORE, J.]