

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7494 OF 2022

Akshay S/o. Anil Londhe

...Petitioner

Versus

The State of Maharashtra & Anr.

....Respondents

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Mr.Sushant C. Yeranwar, for the Petitioner.

Mr.K.S. Thorat, AGP for Respondent Nos.1 and 2-State.

CORAM : S.V. GANGAPURWALA &
S.G. DIGE, JJ.

DATE : 16 NOVEMBER 2022

P.C:-

1. The Caste claim of the Petitioner belonging to
“Thakar” Scheduled Tribe is invalidated.

2. It is contention of learned counsel for the Petitioner
that the Petitioner belongs to “Thakar” Scheduled Tribe. There
are total 27th birth and death records since 1930 of paternal side
relatives of the Petitioner showing the caste status as “Thakar”.
But the Scrutiny Committee has not considered these facts. The
“Thakar” caste validity certificate is issued in favour of the father
of the Petitioner, but this fact is also not considered by the
Scrutiny Committee and invalidated the caste claim of Petitioner.

Hence, requested to allow the Appeal.

3. It is contention of the learned AGP that the Petitioner is not from the area where caste Community “Thakar” Scheduled Tribe resides. There are contra entries in the genealogy produced by the Petitioner. The order passed by the Scrutiny Committee is legal and valid.

4. We have considered the submissions canvassed by learned counsel for the parties. It appears from the record that the caste of cousin great great grand father Anandrao Tukaram Londhe of Petitioner shows as “Thakar” which is of the year 1897. Thereafter, there are entries of relatives of Petitioner showing the caste as “Thakar”. There are some contra entries showing caste as ‘Maratha’ but majority entries shows caste as “Thakar” . It is significant to note that the Scrutiny Committee has issued certificate of validity as “Thakar” Scheduled Tribe to the father of the Petitioner Anil Shridhar Londhe, cousin, brother and sister of Petitioner. Total six caste validity certificates are issued to relatives of the Petitioner. The Division Bench of this Court in the case of *Apoorva Vinay Nichale (Supra)* has held that if the Committee has validated the tribe claim of close relative of the candidate, then, validation of tribe caste certificate cannot be denied to the candidate unless of course a case of fraud, misrepresentation of facts or suppression of facts is made out. In the present case, caste validity certificate is given to the father and

other relatives of the Petitioner. Majority of the documents forming part of the record in the present matter were the subject matter of consideration before the committee while issuing caste validity certificate to the father of the Petitioner.

5. In view of above, we pass following order:

ORDER

- (i) The Committee shall issue validity certificate to the Petitioner 'Thakar-Scheduled Tribe' immediately.
- (ii) The said validity certificate shall be subject to the decision that will be taken by the committee in the proceedings reopened of the validity holders relied by the Petitioner.

6. The Writ Petition is disposed of. No costs.

(S.G. DIGE, J.)

(S.V. GANGAPURWALA, J.)