

shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6143 OF 2015**

Bhagwan Ramesh Gangawane	]	Petitioner
Vs.		
State of Maharashtra through its	]	
Secretary, Tribal Development Department,	]	
Mantralaya, Mumbai – 32 and others.	]	Respondents

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Mr. R. K. Mendadkar, for Petitioner.

Mr. V.M. Mali, A.G.P for Respondents – State.

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**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP JJ.**

DATE : 16th MARCH, 2022.

P.C.

1. Heard.

2. Rule. Rule is made returnable forthwith. Heard finally by consent of learned Counsel for the parties.

3. Mr. Mendadkar, learned Counsel for the petitioner submits that after invalidation of the tribe certificate of the petitioner which took place on 3rd July, 2013, there have been subsequent developments which indicate that the claim of the petitioner has

been further fortified. He points out that three real sisters of the petitioner have been granted validity certificate by the same scrutiny committee at Thane. He submits that Shraddha Ramesh Gangawane, Chitra Ramesh Gangawane and Deepali Ramesh Gangawane, three real sisters of the petitioner, received validity certificate from Thane Scrutiny Committee respectively on 24th July, 2019, 9th October, 2019 and 17th October, 2019. According to him, grant of validity certificates to real sisters of the petitioner has sealed the fate of the claim of the petitioner in his favour.

4. Mr. Mali, learned A.G.P submits that even though validity certificates have been issued to three real sisters of the petitioner, there can be a further consideration not only of the validity certificates but also the effect of other entries which are per-constitutional and which show that the relative of the petitioner from the paternal side is belonging to some different caste such as Maratha (Thakar). There is one document which is per-constitutional which shows the close relative of the petitioner is Maratha (Thakar).

5. Considering the fact that subsequent to invalidation of the tribe certificate of the petitioner, validity certificates have been granted to real sisters of the petitioner by the same scrutiny committee at Thane, it would be necessary for the scrutiny committee, Thane to reconsider the whole issue in the light of the validity certificates subsequently granted and also the other entries existing on record.

6. We, therefore, allow the petition. The impugned order is hereby quashed and set aside. The matter is remanded to respondent No.2 – Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane for deciding the tribe claim of the petitioner afresh, in accordance with law and as early as possible, preferably within three months from the date of appearance of the petitioner before the scrutiny committee.

7. Respondent No.2 – Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane would be at liberty to consider evidence already available on record and also direct further vigilance inquiry, if deems fit.

8. The petitioner shall appear before respondent No.2 - Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane on 21st March, 2022.

9. All the contentions on merits are kept open.

10. Rule is made absolute in the above terms. No costs.

[G.A. SANAP, J.]

[SUNIL B. SHUKRE, J.]