

AGK

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

WRIT PETITION NO. 5445 OF 2016

Satish Subarao Gaikwad ...Petitioner

V/s.

Scheduled Tribe Certificate
Scrutiny Committee, Pune
Division, Pune & Ors. ...Respondents

**WITH
WRIT PETITION NO. 5886 OF 2012**

Dhananjay Tanaji Gaikwad ...Petitioner

V/s.

Scheduled Tribe Certificate
Scrutiny Committee, Pune
Division, Pune & Ors. ...Respondents

Mr. R. K. Mendadkar with Mr. T. V. Jadhav for the
petitioner in WP/5445/2016.

Ms. R. A. Salunkhe, AGP for the State.

Ms. Rupali Andhare, Law Officer, Caste Scrutiny
Committee, Pune, is present.

**CORAM: DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE: JULY 1, 2022

P.C.:

WRIT PETITION NO. 5445 OF 2016

1. Heard Mr. Mendadkar, learned advocate for the petitioner
and Ms. Salunkhe, AGP on behalf of the respondents.

2. Invoking the writ jurisdiction of this Court under Article 226 of the Constitution of India, the petitioner challenges the order dated 21st April 2016 passed by the respondent no. 1/Scheduled Tribe Certificate Scrutiny Committee, Pune Division, Pune (hereafter "the Committee", for short) invalidating the caste claim of the petitioner as belonging to Thakar, scheduled tribe.

3. Learned advocate for the petitioner invited our attention to the additional affidavit dated 7th June 2022 filed on behalf of the petitioner bringing on record subsequent events which are not disputed by the respondents. It is brought to our notice that the petitioner's son, Karan Satish Gaikwad filed Writ Petition No. 2313 of 2021 in this Court challenging the invalidation of his tribe claim by the very same Committee/respondent no. 1. By a detailed order dated 2nd March 2022, the Division Bench of this Court for the reasons recorded, allowed the petition and directed the respondent no. 1/Committee to issue a Tribe Validity Certificate to Karan Satish Gaikwad (petitioner therein) as belonging to "Thakar" scheduled tribe within four (4) weeks from the date of receipt of the order dated 2nd March 2022.

4. In compliance of the order dated 2nd March 2022 a Certificate of Validity was issued by the respondent no. 1/Committee in favour of Karan Satish Gaikwad as belonging to "Thakar" scheduled tribe. Such certificate is annexed at Exhibit 'B' at page 76 of the paper-book. The learned advocate also invited our attention to the Certificate of Validity dated 25th April 2022 (page 77 of the paper-book)

issued in favour of Shubham Satish Gaikwad, another son of the petitioner. Reliance is also placed on the Certificate of Validity dated 25th April 2022 issued in favour of Sakshi Sandeep Gaikwad as belonging to "Thakar" scheduled tribe, who happens to be the niece of the petitioner.

5. We find that the order dated 2nd March 2022 passed by this Court in Writ Petition No. 2313 of 2021 has been acted upon by the respondent no. 1/Committee and Certificates of Validity issued in favour of the children of the petitioner. Nothing is placed on record to show that the order dated 2nd March 2022 passed in Writ Petition No. 2313 of 2021 is challenged by the respondents.

6. In this view of the matter, we have no hesitation in holding that even the petitioner is entitled to succeed in the present petition for the reasons recorded by the Division Bench of this Court in its order dated 2nd March 2022.

7. The impugned order is set aside. The writ petition is accordingly allowed. No costs.

8. The respondent no. 1/Committee is directed to issue the Tribe Validity Certificate to the petitioner as belonging to "Thakar" scheduled tribe within a period of four (4) weeks from the date of receipt of this order.

WRIT PETITION NO. 5886 OF 2012

Registry is directed to de-tag Writ Petition No. 5886 of 2012 for being heard separately.

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(M. S. KARNIK, J.)

(CHIEF JUSTICE)