

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

WRIT PETITION NO. 12097 OF 2022

Janhavi Santosh Maske	...	Petitioner
<i>Versus</i>		
The State of Maharashtra & Anr.	...	Respondents

Mr. Sushant C. Yeramwar for the Petitioner.
Mrs. M. P. Thakur, AGP for the State.

**CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.
DATE : 18th OCTOBER, 2022**

P.C. :-

1. The caste of the petitioner as belonging to Thakur – Scheduled Tribe is invalidated. Amongst other submissions, one of the submission of the learned counsel for petitioner is that the paternal cousin of the petitioner namely Dilip son of Mahadev has been issued with the validity certificate under the orders of this Court in Writ Petition No. 1158 of 2018 under judgment dated 16th April, 2018. The learned counsel for the petitioner submits that thereafter the validity is also issued to three of the paternal relatives of the petitioner. According to the learned counsel, there is not a single contra entry on record Thakar-Magaslela was also subject matter of consideration before this Court in case of Dilip.

2. The learned AGP submits that the proposal is given for filing a Review Application of the order of this Court dated 16th April, 2018 in Writ Petition No. 1158 of 2018. The learned AGP submits that infact

one of the paternal relative of the petitioner namely Karuna, her claim was also invalidated. The said fact was not brought to the notice of the Committee by the petitioner.

3. The learned AGP further submits that the petitioner has failed in the affinity test also.

4. The learned counsel for the petitioner submits that the Karuna had challenge the said order by filing a writ petition. The writ petition is admitted and the judgment of the committee is stayed.

5. We have gone through the judgment, it appears that the documentary evidence is in favour of the petitioner. All the documents since the year 1916 in case of the petitioner's ancestors record caste as Thakar. The said fact was considered by this Court while delivering judgment in case of the paternal relative of the petitioner namely Dilip.

6. This Court while allowing the writ petition filed by Dilip has also relied upon the judgment of the Apex Court in case of **Anand v/s. Committee for Scrutiny and Verification of Tribe Claims and Ors.**, reported in **2012(1) SCC 113** and all the documentary evidence since 1916 and held that Dilip belong to Hindu-Thakar caste.

7. In light of that, we follow the same course as in case of the paternal cousin of the petitioner namely Dilip.

8. The impugned judgment of the Committee is quashed and set aside. The committee shall issue validity certificate to the petitioner of Hindu Thakar-Scheduled Tribe.

9. In case, the judgment in case of **Dilip s/o Mahadev Mhaske v/s.**

The State of Maharashtra & Ors., Writ Petition No. 1158 of 2018 dated 16th April, 2018 is reviewed, then the present judgment would be subject to the same.

10. Writ Petition is accordingly disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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