

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4938 OF 2023

**KHUSHI DINESHKUMAR RATHOR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND ANOTHER**

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Advocate for the Petitioner : Shri Naik Thigle Girish K.
AGP for the Respondents/State : Shri V.M. Kagne

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**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 27th April, 2023

Per Court :-

1. The Petitioner's claim of belonging to Rajput Bhamta-10, Vimukta Jati (A) category, has been rejected by the order dated 27.01.2023, received on 13.04.2023.

2. We have considered the submissions of the learned Advocates for the respective sides. Taking into account the order that we are passing, we are not required to advert to their entire submissions. Suffice it to say that the Petitioner is the daughter of Dinesh. The biological brother of Dinesh is Pradeep, whose son Piyush has been granted the validity certificate. Dinesh, Pradeep and Nilesh are the sons of Madanlal. Madanlal had two

biological brothers, namely, Mohanlal and Pratapsingh. The latter (Pratapsingh) passed away, unmarried. Mohanlal has four sons, namely, Rajendrapal, Ravindrasingh, Brijkishor and Shailendra. Brijkishore has been granted the validity certificate.

3. The Petitioner failed to refer to any of the above mentioned validity certificates when she canvassed her case before the Committee.

4. The Honourable Supreme Court has recently delivered a judgment on 24.03.2023 in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and others, Civil Appeal No.2502/2022***, wherein, it has been concluded that if the closest blood relatives from the paternal side have validity certificates and proper vigilance cell enquiries have been conducted in such cases, the claimant's case can be considered on the basis of such record.

5. As such, **this Writ Petition is partly allowed**. The impugned order is quashed and set aside only for the purpose of remanding the matter to the competent committee to enable the Petitioner to file an affidavit along with documents for proving her relations with Brijkishor and Piyush. Complete family tree of the Petitioner would be set out in such affidavit, within 15

(fifteen days).

6. The Committee shall follow the due procedure after submission of documents and would rely upon the conclusions drawn by the Honourable Supreme Court in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra)***.

7. The Committee shall decide the pending claim of the Petitioner by 31.07.2023 since the vigilance cell enquiry is concluded and the Petitioner only has to establish her paternal relationship with Brijkishor and Piyush. If the genealogy is held to be correct, the vigilance cell may endeavor to decide this matter even prior to the date mentioned herein above.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)