

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

**WRIT PETITION NO.13262 OF 2019
WITH
CIVIL APPLICATION NO.5735 OF 2023
IN WP/13262/2019**

**DARSHAN PANDHARINATH AHIRE
VERSUS
SCHEDULED TRIBE CERTIFICATE SCRUTINY
COMMITTEE THROUGH MEMBER SECRETARY**

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Advocate for the Petitioner : Shri Deshmukh Mahesh S.
AGP for the Respondent/State : Shri V.M. Kagne

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

DATE :- 27th April, 2023

Per Court :-

1. By consent of the parties, we have taken up the Writ Petition for hearing and disposal.
2. The Petitioner claims to be belonging to “Thakur”, Scheduled Tribe category. His father is Pandharinath Devidas Ahire. The Petitioner is the grandson of Devidas Vanaji Ahire. Devidas had a biological brother Martand who had two sons (Bhagwan and Narayan) and one daughter (Kamalbai). Bhagwan has two daughters Pratima and Meenal and one son Tanmay.

Tanmay and Meenal have been granted validity certificates by the judgment of this Court dated 21.12.2020 in Writ Petition (Stamp) Nos.24349 and 24245/2020.

3. The vigilance cell report in the case of the Petitioner indicates the conclusions that were drawn in the cases of Tanmay and Meenal. The Petitioner was shown as the second degree cousin brother in the said report of Meenal and Tanmay. Tanmay and Meenal have tendered their affidavits dated 20.02.2021 before this Court declaring that the Petitioner (Darshan) is their distant cousin brother.

4. The learned AGP has strenuously supported the impugned order.

5. In *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur, [2010(6) Mh.L.J.401 : AIR 2010(6) Bom.R.21]*, this Court has concluded that if blood relatives from the paternal side are granted validity certificates, the claimant should be considered for grant of validity, unless there is any fraud, which is either discovered or established.

6. In the instant case, Meenal and Tanmay have filed the affidavits declaring that the Petitioner is their second degree

biological cousin brother. Both Meenal and Tanmay have been granted validity certificates under the orders of this Court. Needless to state, if the file of any of these validity holders is reopened, leading to their invalidation, the law laid down in *Shweta Balaji Isankar vs. The State of Maharashtra and others*, Writ Petition No.5611/2018 decided on 27.07.2018 by this Court at the Principal Seat (paragraphs 2 to 4 and 8), would squarely apply to the case of the Petitioner, who would suffer the same consequence.

7. With the above directions, **this Writ Petition is partly allowed**. The impugned order dated 16.07.2019 stands quashed and set aside. The competent Committee shall issue the “Thakur”, Scheduled Tribe validity certificate to the Petitioner within 15 days since the Petitioner is facing the counselling session for the PG Medical Admission course.

8. In view of the above, the Civil Application would not survive and **stands disposed off**.

kps

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)