

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

WRIT PETITION NO. 1391 OF 2023

Vrushali d/o. Sadashiv Helekar

..... Petitioner

Vs.

The State of Maharashtra & Ors.

..... Respondents

Mr. Sushant Yeramwar for the Petitioner

Mr. P. P. Kakade, GP a/w. Mrs. Nisha M. Mehra, AGP for the State

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : MARCH 15, 2023

JUDGMENT : (PER : ACTING CHIEF JUSTICE)

1. Rule.

Rule is made returnable forthwith.

By consent of the parties, taken up for final disposal.

2. The caste claim of the Petitioner as belonging to “Thakar” is invalidated.

3. Mr.Yeramwar, the learned Counsel for the Petitioner submits that there is not a single contra entry. The entry of caste recorded in the school record of father of the Petitioner of the year 1954 recorded as “Thakar” (Magas) is considered to be contra entry. According to the learned Counsel, earlier, under the State

Government Notification “Thakar” caste was notified as Nomadic Tribe. In light of that father of the of the Petitioner was issued with caste certificate in the year 1985 as “Thakar”, Nomadic Tribe.

4. The learned AGP submits that “Magas” is contra entry. The learned AGP further submits that the father of the Petitioner had got the caste certificate as “Thakar”, Nomadic Tribe, so also the agricultural land possessed by the family of the Petitioner does not record that the said land is a tribal land as contemplated under Section 36 of the Maharashtra Land Revenue Code.

5. We have considered the submissions.

6. It appears that the State Government had issued Notification categorizing the persons from Ratnagiri as “Thakar”, Nomadic Tribe. However, the same was quashed and set aside by this Court in the case of *Pandurang Rangnath Chavan Vs. State of Maharashtra & Ors. (1998) 2 Mh.L.J. 806*.

7. Following documents are relied by the Petitioner and the same are found to be genuine in the vigilance.

Sr. No.	Name of students	Admission No.	Relation with the applicant	Caste registered	Date of admission
1	Swati Sadashiv Helekar	1907	Applicant No.2	Thakar	5/7/1991
2	Vrishali Sadashiv Helekar	1932	Applicant No.1	Thakar	28/10/1991

3	Rupali Sadashiv Helekar	2069	Sister	Thakar	17/6/1993
4	Sadashiv Vishram Garud	57/2	Father	Thakar	3/5/1956
5	Sadashiv Vishram Garud	209/1	Father	Thakar Maga.	3/5/1956
6	Sadashiv Vishram (Helekar) Garud	170/1	Father	Thakar Magas	10/5/1954
7	Shankar Vishram Garud	49/1	Uncle	Thakar	2/12/1946
8	Sumati Vishram Garud	138/2	Aunt	Thakar	2/5/1960

8. Right from 1946 all the documents i.e. the school record of the Petitioner's father and uncle records caste as "Thakar". In view of the consistent documentary evidence on record, the Petitioner has proved his claim of "Thakar".

9. In light of that, the impugned judgment is quashed and set aside.

10. The Committee shall issue validity certificate to the Petitioner of "Thakar", Scheduled Tribe, within 15 days.

11. Rule is accordingly made absolute.

12. The Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)