

Amol

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 671 OF 2023**

Shraddha d/o Satish Chavan ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

Mr SS Panchpor, with Vikas Daund, for the Petitioner.
Mrs AA Purav, AGP for the Respondent-State.

**CORAM G.S. Patel &
 S.G. Dige, JJ.**
DATED: 17th January 2023

PC:-

1. Rule. Rule made returnable forthwith. The Petition is taken up for hearing and final disposal.
2. The 2nd Respondent Scheduled Tribe Certificate Verification Scrutiny Committee, Nashik invalidated the Caste Certificate and claim of the Petitioner as belonging to the Thakar Scheduled Tribe by the impugned order dated 11th January 2023.
3. We allow production urgently since the Petitioner needs to submit a Caste Validity Certificate to Respondents Nos. 3 and 4 by tomorrow, 18th January 2023.

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4. We have heard Mr Panchpor and seen the impugned order. It appears to us *prima facie* that this order cannot be sustained. There is one entry at Sr No. 4 at page 25 of an ancestor (grandfather) shown as Hindu Thakur. All other entries of all other relatives including the father, the aunt, the other grandfather and the great - grandfather and so on are all listed as Hindu Thakar.

5. The law in this regard is well settled *inter alia* by decisions of the this Court in *Rajendra Ramrao Ghosalkar vs State of Maharashtra & Ors*¹, *Apoorva Vinay Nichale vs State of Maharashtra & Ors*², *Pratibha Nikumbh vs State of Maharashtra & Ors*³, etc.

6. In particular, in *Apoorva's* case, the Division Bench of this Court clearly held that where there are validity certificates produced of blood relatives, then the Scrutiny Committee is not justified in deviating and declining the validity certificate.

7. The other reason in the impugned order is that although the ancestors' claim to be Scheduled Tribe Thakar, they disposed of lands without necessary permission from the Collector. This reasoning does not appeals to us at all and cannot be a ground to invalidate a Caste Validity Certificate.

8. Accordingly, the Petition succeeds. Rule is made absolute in terms of prayer clause 'B' and 'C' which reads thus:

1 2006 SCC OnLine Bom 62

2 2010 OnLine Bom 1053

3 MhLJ OnLine 91

“B By issuing Writ of Certiorari or any other any other appropriate writ order of like nature of the order dated 11.01.2023, passed by the Respondent No. 2 committee in proceeding No. 3/522/Edu/112020118 may kindly be quashed and set aside.

C To hold and declared that the Petitioner belongs to “Thakar” Scheduled Tribe and the Respondent No.2 committee may kindly be directed to issue caste validity certificate in favour of the Petitioner.”

9. Given the urgency, it will not be possible to obtain a physical copy of the validity certificate by tomorrow. The 2nd Respondent is directed to issue the validity certificate to the Petitioner no later than by 27th January 2023.

10. In the meantime, Respondents Nos. 3 and 4 will accept and act upon copy of an authenticated copy of this order, with we will release within the next one hour approximately, as sufficient compliance. With these requirements of submitting a Validity Certificate, we accept Mr Panchpor’s undertaking on behalf of the Petitioner that the Caste Validity Certificate will be submitted as soon as it is received in the hands of the Petitioner on immediately after 27th January 2023.

11. None of the authorities are to insist on certified copy of the order. All concerned will act on production an authenticated copy of this order.

(S.G. Dige, J)

(G. S. Patel, J)