

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

**WRIT PETITION NO. 1394 OF 2023**

Prakash Sopan Pawar

..... Petitioner

Vs.

The State of Maharashtra & Ors.

..... Respondents

Mr. Sushant C. Yeramwar for the Petitioner

Mr. P. P. Kakade, GP a/w. Mrs. R. A. Salunkhe, AGP for the State

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

**DATED : MARCH 13, 2023**

**PC : (PER : ACTING CHIEF JUSTICE)**

1. Rule.

Rule is made returnable forthwith.

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

2. The caste claim of the Petitioner as belonging to "Thakar", Scheduled Tribe is invalidated.

3. The learned Counsel for the Petitioner submits that the daughter of the Petitioner viz. Aparna Prakash Pawar is issued with the validity certificate of "Thakar", Scheduled Tribe. The learned Counsel further submits that in case of the Petitioner's paternal

cousins viz. Anand Ravindra Pawar and Avdhoot Pramod Pawar, their claims were invalidated by the Committee. They filed Writ Petition bearing No.7852 of 2019 and 1785 of 2020, respectively, and the said Writ Petitions are allowed by this Court and directions were given to grant validity certificate. The learned Counsel submits that the caste claim of the real brother of the Petitioner viz. Arun Sopan Pawar was also invalidated by the Committee. He filed Writ Petition No.2122 of 1989. The Division Bench of this Court allowed the Writ Petition under order dated 30<sup>th</sup> October 1996. The said judgment was challenged by the State of Maharashtra by filing an SLP before the Apex Court. The Apex Court dismissed the SLP. The learned Counsel submits that invalidation of the caste claim of some of the paternal relatives of the Petitioner were also subject matter before the Committee while granting validity certificate to the daughter of the Petitioner viz. Aparna. The Committee has, in the impugned order, wrongly observed that the caste claim of the daughter of the Petitioner viz. Aparna has been invalidated. Same was not invalidated.

4. The learned AGP, on instructions, accepts that the caste claim of Aparna was not invalidated and the said observation is made by mistake in the order of the Committee.

5. It is not disputed that the caste claim of the Petitioner's brother Arun was invalidated by the Committee and he had filed Writ Petition bearing No.2122 of 1989 before this Court. This Court, under order dated 30<sup>th</sup> October 1996 allowed the said Writ Petition directing the Committee to issue validity certificate to Arun. The said judgment is also confirmed by the Apex Court in the SLP filed by the State. It is also not disputed that the daughter of the Petitioner viz. Aparna has been issued with the validity certificate of "Thakar", Scheduled Tribe. There are further validity certificates issued in favour of the paternal relatives of the Petitioner. Some of the paternal claims have been invalidated. Some were considered by the vigilance while granting validity certificate to the daughter of the Petitioner, Aparna. An oldest document appears to be of the year 1985 recording the caste "Thakar".

6. Considering the validity issued to the daughter of the Petitioner, Aparna and the real brothers of the Petitioner under the orders of this Court and confirmed by the Apex Court and also the fact that majority of the old documents of the Petitioner's paternal relatives of the Petitioner record the caste "Thakar" and also relying upon the judgment of the Division Bench of this Court in the case of *Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Ors. 2010 (6) Mh.L.J. 401*, we set

aside the judgment of the Committee and direct the Committee to issue validity certificate to the Petitioner of “Thakar”, Scheduled Tribe.

7. Rule is accordingly made absolute. Necessary consequences shall follow.

8. The Writ Petition stands disposed of. No costs.

**(SANDEEP V. MARNE, J)**

**(ACTING CHIEF JUSTICE)**