

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 1222 OF 2023**

Jagannath Maruti Gaikwad

.....Petitioner

V/s.

State of Maharashtra, thr. Its
Secretary, Tribal Development
and Ors.

.....Respondents

Mr. R.K. Mendadkar, Advocate for the petitioner.

Mrs.R.A. Salunkhe, AGP for State-respondents no.1 and 2.

Mr. Bernad Reis alongwith Ms. Martina Sapkal alongwith Mr. Arun
Sapkal, Advocate for respondent no.3.**CORAM : S.V. GANGAPURWALA, ACTING CJ &
SANDEEP V. MARNE, J.****DATE : 28th MARCH, 2023.****P.C. :**

1. The caste claim of the petitioner belonging to Thakar Scheduled Tribe being invalidated, is the subject matter of dispute in the present petition.

2. Heard learned Counsel for the petitioner and learned AGP for State.

3. We have gone through the judgment and the record produced before us. It is not in dispute that the daughter of the petitioner has been issued with the Caste Validity Certificate on 21st January, 2021. The daughter of the real uncle of the petitioner namely, Jyoti is also issued with the Caste Validity Certificate. The Committee invalidated her caste claim. She had filed Writ Petition before this Court bearing Writ Petition No. 998/2016. The Division Bench of this Court in order dated 20th September, 2017 allowed the Writ Petition setting aside the judgment of the Committee and directed the Committee to issue Caste Validity Certificate of Thakar Scheduled Tribe to her. Similarly, another paternal relative of the petitioner, named Aishwarya had also applied for Caste Validity Certificate. The same was invalidated. She filed Writ Petition bearing No. 6849/2016. The Division Bench of this Court under judgment and order dated 10th July, 2017 allowed the said Writ Petition and directed the Committee to issue Caste Validity Certificate to her of Thakar Scheduled Tribe. Similarly, in case of Madhura, another paternal relative, this Court in judgment and order dated 9th November, 2017 in Writ Petition No. 7125/2016 directed the Committee to issue Caste

Validity Certificate to her. There are other paternal relatives who have been issued with the Caste Validity Certificate.

4. The Division Bench of this Court in case of **Apoorva Do. Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee, 2010 (6) Mh.L.J. 401**, has observed that the Caste Validity Certificate issued to the paternal relatives is a relevant fact. There are old documents also of pre-constitutional era produced by the petitioner recording caste as Thakar.

5. In light of the judgment of Division Bench in case of paternal relatives of the petitioner as referred to above, the impugned judgment dated 25th April, 2022 passed by respondent no.2-Scrutiny Committee, Pune invalidating caste certificate of the petitioner, is quashed and set aside. Petition is disposed of.

6. The Committee shall issue Caste Validity Certificate of Thakar Scheduled Tribe to the petitioner.

7. Rule is made absolute. No costs.

NEETA
SHAILESH
SAWANT

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

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