

Ashwini

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

WRIT PETITION NO. 15826 OF 2022

Kshitij Pravin Londhe

...Petitioner

Versus

The State of Maharashtra through Principal
Secretary, Tribal Development Department & Ors

...Respondents

Mr SS Panchpor, with Ratan L Adhe, for the Petitioner.

Mr Sameer Khedekar, for Respondent No. 3.

Mr SB Kalel, AGP, for the Respondent-State.

**CORAM G.S. Patel &
S.G. Dige, JJ.**

DATED: 4th January 2023

PC:-

1. Rule. Respondents waive service. Rule is made returnable forthwith.

2. The Petition challenges an order dated **16th December 2022** passed by the 2nd Respondent Committee invalidating the Petitioner's caste claim to Thakar Scheduled Tribe.

3. There was a vigilance inquiry. There is one allegedly contra-entry where a grandparent was shown as having the caste noted as "Marathi".

4. The committee relied quite extensively on the decision in a Writ Petition filed by one Shahaji Ramchandra Londhe which

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resulted in an order of remand. On remand, there was a second round of invalidation, and a challenge Petition is yet pending. What seems to have been overlooked is a closer example of the Petitioner's own cousin Ashwarya Prakash Londhe which resulted in a decision of a Division Bench of this Court on 5th October 2017 in Writ Petition No. 10310 of 2017. There, too, the claim was for a Thakar ST Caste Validity Certificate. There again the contra entry cited was an ancestor whose caste was shown as Marathi (para 6 page 103). The Division Bench held that the reason assigned by the committee for rejection of the claim could not be sustained it ran inter alia contrary to the well settled decision of this Court in *Apoorva Vinay Nichale v Divisional Caste Certificate Scrutiny Committee No.1*¹ and the Supreme Court decision in *Raju Ramsing Vasave v Mahesh Deorao Bhivapurkar & Ors.*² The relevant portions of *Apoorva Vinay Nichale*, i.e., paragraphs 7 to 9 were quoted in that order.

5. Finding the present matter to be an almost exact parallel, we make Rule absolute. The impugned order is quashed and set aside. Rule is made absolute in terms of prayer clauses B and D which reads thus.

“B] By issuing Writ of Certiorari or any other any other appropriate writ order of like nature the order dated 16.12.2022, passed by the respondent No.2 committee in proceeding No. जप्रत/शिक्षण १२वीं Sci /पुणे/४२२/२०२२ may kindly be quashed and set aside.

1 2010 SCC OnLine Bom 1053 : (2010) 6 Mah LJ 401

2 (2008) 9 SCC 54

D] 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.”

6. The 2nd Respondent committee is directed to issue the necessary Caste Validity Certificate of Thakar Scheduled Tribe to the Petitioner immediately.

7. The certificate is required for submission to the Sinhgad Institute of Pharmacy. That institute is directed to extend time for submission of the validity certificate in view of this order. The date for submission of the Caste Validity Certificate is tomorrow, 5th January 2023. The institute will be furnished a digitally signed or authenticated copy of this order by 6th January 2023 and will accordingly extend time until 13th January 2023. The 2nd Respondent committee in Pune will issue the necessary Caste Validity Certificate in terms of this order by 11th January 2023 so that it can be submitted to the institute by 13th January 2023.

8. We clarify that this extension of time is only respect of the present Petitioner. It is only issued because this order is dictated past regular Court working orders and it would not be possible to obtained the Caste Validity Certificate before the end of the day tomorrow.

(S.G. Dige, J)

(G. S. Patel, J)

Note: This order is modified as per order dated 9th January 2023. The corrections are made in paragraph 2 in bold and italics.