



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6993 OF 2010

Mahesh Bhatusing Bhamre ... **PETITIONER**

VERSUS

1. The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai- 32.
through its Secretary.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Nandurbar Division,
Nandurbar, through its Member Secretary.
3. The Executive Magistrate,
Dhule, Dist. Dhule.
4. The Under Secretary (Establishment),
Department of Water Supply & Sanitation,
Mantralaya, Mumbai-400032. ... **RESPONDENTS**

AND

WRIT PETITION NO.7080 OF 2010

Manoj Bhatusing Bhamre ... **PETITIONER**

VERSUS

1. The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai- 32.
Through its Secretary.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Nandurbar Division,
Nandurbar, through its Member Secretary.
3. The Executive Magistrate,
Dhule, Tq. & Dist. Dhule.
4. The Deputy Director of Vocational Education
& Training, Regional Office,
Old Mumbai – Agra Road,
Near Adiwasi Vikas Bhawan, Nashik.
5. The Principal,
Industrial Training Institute,
Dhule, Dist. Dhule ... **RESPONDENTS**

...

**AND
WRIT PETITION NO.3113 OF 2024**

Kartiki d/o Mahesh Bhamare
U/g father Mahesh Bhatusing Bhamare ... **PETITIONER**

VERSUS

1. The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai- 32.
through its Secretary.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Konkan Division,
Thane Dist. Thane
through its Member Secretary. ... **RESPONDENTS**

...

Advocate for the Petitioners : Mr. S.C. Yeramwar (in WP/6993/2010 and
WP/7080/2010)

Advocate for Petitioner in WP/3113/2024 : Mr. Jinturkar S. Yeramwar
AGP for Respondents/State : Ms. P.J. Bharad

...

**CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 27.11.2024

PER COURT:

We have heard both the sides finally at the stage of admission.

2. The petitioners in all these petitions are challenging the common order passed in the matter of petitioners Mahesh and Manoj and a separate order passed in the matter of Kartiki who happens to be Mahesh's daughter, whereby, the scrutiny committees have invalidated their 'Thakur' scheduled tribe certificates.

3. As can be seen, in the impugned judgment and order passed in the matter of Manoj and Mahesh, they were relying upon a certificate

of validity possessed by their distant nephew by name Amol Dilipsing Bhamare. The Committee has refused to extend its benefit to them on the only ground that since Amol had obtained certificate of validity prior to the decision in the case of **Ku. Madhuri Patil and Anr. Vs. Additional Commissioner Tribal Development Thane and Ors.;**(1997) 5 SCC 437, as laid down therein, the petitioners case will have to be decided on its own merits independent of such validity.

4. Admittedly, Amol was held entitled to have a certificate of validity on the basis of the order of the High Court. Its challenge in the Supreme Court did not fructify since refused to entertain and dismissed it *in limine*. Once it is seen that Amol's validity has reached finality and when the Committee has not made any observations entertaining any doubt about he being related to petitioners - Manoj and Mahesh by blood, applying the principles laid down in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.;**2023 SCC Online SC 326, since Amol was issued with certificate of validity by following due process of law which could be none other than the High Court holding him entitled to have a certificate of validity, the petitioners are entitled to derive its benefit. It would be illogical to think that persons related by blood would belong to different tribes or caste. Refusing to apply Amol's validity would result in the same thing. For this reason alone, irrespective of the fact that there are few other validities in the blood relation, the petitioners are entitled to have certificates of

validity.

5. It would be misreading **Ku. Madhuri Patil** (supra), as laying down that a tribe or a caste claim of every individual has to be decided independently that too even overlooking the validities in the family, rather it would be inconsistent or in violation of the ratio laid down in the matter of **Maharashtra Adiwasi Thakur Jamat** (supra).

6. In the light of above, the impugned orders, one in the matters of Manoj and Mahesh and the other in the matter of Kartiki, who is Mahesh's daughter, are liable to be quashed and set aside and reversed.

7. The writ petitions are allowed. The impugned orders are quashed and set aside. The Committee shall issue certificates of validity to all these petitioners immediately, of 'Thakur' scheduled tribe.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

habeeb/