



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 WRIT PETITION NO. 1678 OF 2024

KRUSHNA RAMESHWAR KADAM

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA THR ITS PRINCIPAL SECRETARY
FOREST DEPARTMENT AND OTHERS

.....Respondents

.....

Mr. Thorat Chandrakant R., Advocate for the Petitioner

Mr. P. K. Lakhotiya, AGP for the Respondents-State

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRADE, JJ.

DATE : 12th February, 2024

ORDER:

1. The Petitioner has put forth prayer Clauses (A) and (B) as under:

(A) By issuing Writ of Certiorari or any other appropriate writ or direction in the like nature, be please to quash and set aside the Judgment and Order dated 29.01.2024, passed by the respondent No.2 Scheduled Tribe Certificate Scrutiny Committee, Chhatrapati Sambhajanagar, Exhibit-A.

(B) By issuing Writ of Mandamus or any other appropriate writ or direction in the like nature, be please to direct the respondent No. 2 Scheduled Tribe Certificate scrutiny Committee, Chhatrapati Sambhajanagar, to issue Tribe Validity Certificate in favour of the petitioners as belonging to "Thakur" Scheduled Tribe.

2. Our attention is drawn to the affidavit tendered by the Petitioner, to the Committee claiming that he belongs to "Thakur" Scheduled Tribe category. None of the three biological sisters and one biological brother of the Petitioner, have moved for seeking validity certificate. Father of the Petitioner is Rameshwar s/o Manohar. Manohar is son of Dagdu and the two biological brothers of Manohar are Ambadas Dagdu and Daulat Dagdu. An entry dated 22.07.1997 with regard to Daulat Dagdu Kadam is "Maratha". Two years prior thereto, the school entry of Manohar Dagdu, (biological brother of Daulat Dagdu), dated 05.07.1961, indicates "Thakur". There is an interpolation with regard to the word "ku" in the entry of Manohar Dagdu.

3. The learned AGP points out that surprisingly, several affidavits filed by the close relatives from the paternal side do not disclose any family branch from Daulat s/o Dagdu Waman Kadam. There is one affidavit filed by Ganesh Ambadas Kadam, who is son of Ambadas Dagdu (biological brother of Daulat Dagdu and Manohar Dagdu) who also does not disclose the family branch flowing from Dagdu Waman Kadam. The biological brother of Dagdu is Anna Waman Kadam whose family branch is also not disclosed by many of the affiants. As such, there is no disclosure as to what happened to Daulat s/o Dagdu Waman Kadam whose family branch has the entry of

Maratha. This aspect is required to be looked into in an appropriate case or if any case is reopened.

4. An order passed by a Coordinate Bench dated 21.12.2021 in the case of Shraddha Ganesh Kadam Vs. State of Maharashtra and others Writ Petition No. 14024 of 2021 is brought to our notice, wherein, this Court has granted validity certificate to Shraddha. Shraddha is the biological daughter of Ganesh. Ganesh is the biological son of Ambadas. Manohar is the biological brother of Ambadas. Krushna, the Petitioner herein, is the son of Rameshwar who is the grandson of Manohar. Therefore, Shraddha is the second generation cousin from the paternal side of the Petitioner.

5. Considering the above, since the co-ordinate Court has granted a validity certificate to Shraddha in a detailed order, that **this Petition is partly allowed.** The impugned order dated 29.01.2024 is quashed and set aside. We direct the Committee to issue Scheduled Tribe Validity Certificate to the Petitioner showing him to be "Thakur" Scheduled Tribe.

6. Needless to state, if the branch of Daulat s/o Dagdu and Dagdu s/o Waman Kadam whose entries are Maratha, are noticed in any proceedings, the consequences of the same shall be suffered by the Petitioner as well, unless it is proved to the contrary.

7. Since the Petitioner has applied for the post of Forest Guard and the document verification is to be conducted tomorrow, we call upon the learned AGP to convey to the concerned authorities that this Court has conditionally granted the validity certificate to the present Petitioner.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan