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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO. 8248 OF 2023
WITH
CIVIL APPLICATION NO. 12355 OF 2023
IN WP/8248/2023

ALKADEVI GULABRAO THAKUR ALIAS KUM. ALKADEVI DIWANSING
THAKUR
VERSUS
STATE OF MAHARASHTRA THROUGH IT'S SECRETARY AND OTHERS

Mr.S.C.Yeramwar, Advocate for the Petitioner.
Mr.P.K.Lakhotiya, AGP for the Respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRADE, JJ.)

DATE : JANUARY 16, 2024

PER COURT :

1. We have heard the learned Advocates for the Petitioner and the learned AGP on behalf of all the Respondents. Considering the order that we intend to pass, we are not required to record their submissions in details. Suffice it to say that, notwithstanding a skeletal genealogy tree placed by the Petitioner on record before the Committee, the Petitioner claims that the following 4 persons are close blood relatives of the Petitioner from the paternal side :-

[a] Subhash s/o Uttam

[b] Vishal s/o Subhash

[c] Manisha d/o Ramesh (who is the biological brother of Subhash)

[d] Harshada d/o Baldev.

(3 of the above have been granted validity by the High Court, except Manisha)

2. The Hon'ble Supreme Court has concluded in paragraph Nos. 22, 23 and 24 in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and Others, Civil Appeal No.2502/2022 (AIR 2023 SC 1657)**, that a proper enquiry has to be conducted by the Committee through its Vigilance Cell to test the claim of blood relatives put forth by the claimant, in as much as, the claimant is under a legal obligation to first establish his blood relations with those persons, who have been granted validity certificates.

3. In view of the above, we deem it proper to remit the matter to the Committee for enabling the Petitioner an opportunity to establish his blood relations with those whom he claims to be his paternal blood relations (the 4 persons mentioned above).

4. Similarly, we grant liberty to the Committee to verify the claims of the Petitioner and if it is noticed that the Petitioner has attempted to mislead by claiming relationship with the above mentioned 4 persons, the Committee would be at liberty to draw a conclusion as to whether the Petitioner has also made an attempt to mislead this Court by claiming relations with the above 4 persons.

5. In view of the above and for the specific purpose, as noted above, **this Petition is partly allowed** with the following directions as under :-

[1] The impugned order of the Committee dated 04.12.2018 is quashed and set aside and the proceeding bearing case No.DHU/SER/74/2004 shall stand remitted to the Competent Committee at Dhule, in view of the change in the area wise establishment of the Committees.

[2] The Petitioner would appear before the Committee on 12.02.2024 at 11.00 am and tender all such documents on which he desires to place reliance, before the Committee.

[3] She shall thereafter abide by the dates of hearing as set out by the Committee and shall not seek adjournments on unreasonable or

trivial grounds, lest, the Committee would be justified in progressing to the further stages of the enquiry.

[4] Since the Petitioner has already retired from service, we grant time to the Committee to decide the claim of the Petitioner on or before 31.08.2024.

[5] The Committee shall confront the Petitioner with cases of invalidation of such persons which it believes to be the relatives of the Petitioner on the paternal side and grant her an opportunity of disproving the relationship.

[6] **Pending Civil Application** would not survive and **stands disposed off**.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)