



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

WRIT PETITION NO. 11583 OF 2021

Bhagwan s/o Ramdas Tayade,
Age: 50 years, Occu. Service,
R/o Plot No.24, Shiv Colony,
Muktainagar, Tq. Muktainagar,
District Jalgaon

... PETITIONER

VERSUS

1. The State of Maharashtra
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32
2. The Scheduled Tribe Certificate
Scrutiny Committee, Nandurbar,
through its Member Secretary
3. The Zilla Parishad, jalgaon
through its
Chief Executive Officer

... RESPONDENTS

....
Mr. S. R. Barlinge, Advocate for the Petitioner
Mr. N. S. Tekale, AGP for Respondent Nos. 1 and 2
Mr. S. B. Munde, Advocate for Respondent No.3
....

**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 19.09.2024

ORAL JUDGMENT (PER- RAVINDRA V. GHUGE, J.) :-

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The Petitioner has put forth prayer clauses (A) and (B), as under:-

“(A) By a writ of certiorari, or any other writ or order or directions in the like nature, the impugned judgment and order dated 06.07.2021, passed by the Scheduled Tribe Certificate Scrutiny Committee, Nandurbar – Respondent No.2 may kindly be quashed and set aside.

(B) By a writ of mandamus, or any other appropriate writ or order or direction in the like nature, the respondent No.2 Committee may kindly be directed to issue the validity certificate in favour of the petitioner as belonging to Tokre Koli Scheduled Tribe expeditiously.”

3. It is an undisputed fact situation before us that the biological brother of the present Petitioner, namely Sopan Ramdas Tayade and his son Saurabh Sopan Tayade, both Petitioners in Writ Petition No.6348 of 2021, have succeeded before this Court vide the oral judgment dated 07.08.2024. The claims put forth by Sopan and Saurabh, of belonging to the 'Tokre Koli' Scheduled Tribe category, has been accepted by this Court.

4. The competent committee does not dispute the blood relations between Sopan and Saurabh and between Sopan and the present Petitioner, Bhagwan. In the genealogy tree cited by Sopan and Saurabh, in Writ Petition No.6348 of 2021 and the genealogy tree cited by the present Petitioner Bhagwan before us, indicates that Ramdas and Supadu are biological brothers. Supadu had two sons, namely, Devanand and Gajanan. Ramdas has five sons, namely, Dnyaneshwar, Nivrutti, Sopan, Bhagwan and Pundlik.

5. Considering the law laid down by the Hon'ble Supreme Court in *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and others*, AIR 2023 SC 1657 and keeping in view the law laid down in *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur*, [2010(6) Mh.L.J. 401 : AIR 2010(6) Bom.R.21], this Writ Petition is allowed in terms of prayer clauses (A) and (B). The validity certificate of Tokre Koli, Scheduled Tribe, be issued to the Petitioner, on or before 31.10.2024.

6. Rule is made absolute in the above terms.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS