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

**952 WRIT PETITION NO.3656 OF 2021
WITH
CIVIL APPLICATION NO. 10190 OF 2024
IN WP/3656/2021**

**SUDHAKAR GANPAT BHAMARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

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Mr S. C. Yeramwar, Advocate for Petitioner/ Applicant;
Mr V. M. Kagne, A.G.P. for Respondent Nos.1 and 2
Mr A. M. Gaikwad, Advocate for Respondent No.3

**CORAM : RAVINDRA V. GHUGE
AND**

Y. G. KHOBRAGADE, JJ.

DATE : 20th September, 2024

PER COURT:

1. Shri. Gaikwad, the learned Advocate appears for Respondent No.3/Company.
2. The Petitioner's claim of belonging to the 'Thakur' Scheduled Tribe category has been invalidated by an order dated 29/09/2015, which was served upon the Petitioner on 05/02/2021.
3. In the meanwhile, the biological children of the Petitioner, namely, Kaustubh Sudhakar Bhamare and Ms. Chetashri Sudhakar Bhamare, had approached this Court at the

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Principal Seat in Writ Petition No.3102/2021. By an oral judgment dated 06/09/2023, the impugned order of invalidation was set aside and the matter was remitted to the Scrutiny Committee for an adjudication, afresh.

4. Having considered the submissions of the learned A.G.P., we are of the view that, as the pre-constitution entries evident from the documents dated 24/04/1926 and 16/07/1937, as well as the entry dated 13/06/1941, were considered by the Court in Writ Petition No.3102/2021, the matter was remitted for an afresh decision.

5. The learned Advocate for the Petitioner then pointed out the most crucial aspect. After this Court remanded the proceedings of the Petitioner's children to the same Caste Scrutiny Committee, Dhule, both the biological children of the Petitioner, namely, Kaustubh and Ms Chetashri, have been granted validity certificates, dated 28/03/2024.

6. The Petitioner's grandfather was Lakadu Jamsing Bhamare. He had three sons, namely, Handusing Bhamare,

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Ganpat (Thansing) Bhamare and Harsing Bhamare. The Petitioner Sudhakar is the son of Ganpat Bhamare and Kaustubh and Ms Chetashri are his children and the grandchildren of Ganpat. Jamsing, son of Handusing Bhamare and Ranjit Bhamare, son of Harsing Bhamare, have been granted validity certificates. The law laid down in **Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others; [2010 (6) Mh. L.J. 401]**, would be squarely applicable to this case.

7. In view of the above and considering the law laid down by the Hon'ble Supreme Court in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others, [AIR 2023 Supreme Court 1657]**, this **Writ Petition is allowed**. The impugned order dated 29/09/2015, passed by Respondent No.2/Scheduled Tribe Certificate Scrutiny Committee, Nandurbar, is quashed and set aside. The Petitioner Sudhakar shall be granted the 'Thakur' Scheduled Tribe category validity certificate, within a period of 15 days from today.

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8. However, we clarify that, in the event, any time in future, the caste validity certificate issued to Kaustubh, Ms Chetashri, Jamsing Handusing or Ranjit Harsing, are called in question and suffer adverse orders, the same consequences would be fall upon the Petitioner, who would be liable for the same action.

9. Since we are granting conditional validity certificate to the Petitioner, the concerned Employer shall forthwith approach the concerned Industrial Court, where the entire pensionary benefits of the Petitioner, till today, have been deposited, for withdrawal of the said amount and to be deposited in the Account of the present Petitioner.

10. In view of the above, the pending **Civil Application also stands disposed off.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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