



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

WRIT PETITION NO. 486 OF 2024

Omkar S/o Balkrishna Gaikwad
U/G father Balkrishna Murlidhar
Gaikwad and another .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri Sushant C. Yeramwar, Advocate for the Petitioners.
Shri Sarang P. Joshi, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 09 JULY 2024.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both the sides finally at the admission stage with their consent.

2. Petitioners are challenging judgment and order dated 13.12.2023 passed by the respondent No. 2/Scrutiny Committee invaliding their tribe certificates of 'Thakar' (Scheduled Tribe). They are siblings and relying on the validity certificates of Laxmikant, Ashwini, Venkatesh, Balkrishna and Kiran.

3. Learned counsel for the petitioners submits that validity certificates of Laxmikant, Ashwini and Venkatesh were issued in pursuance of orders passed by the High Court in distinct petitions, which are placed on record. He would further submit

that petitioners' father Balkrishna has also been issued with the validity certificate by the Scrutiny Committee. When self same record has been scrutinized on number of occasions and validity certificates have been granted, the Scrutiny Committee should not have invalidated the caste claims of the petitioners.

4. Learned Assistant Government Pleader supports impugned judgment and order. He would submit that the Committee is justified in rejecting caste claims of the petitioners considering contrary entries and manipulation in the record of the blood relatives of the petitioners. The validity certificates upon which reliance is placed are not reliable and rightly discarded by the Scrutiny Committee.

5. We have considered rival submissions of the parties. We have also gone through the genealogy produced by the petitioners on record. The relationship of the petitioners with the validity holders is undisputed. One of the validity holders i. e. Balkrishna is biological father of the petitioners. We also notice that Laxmikant, Ashwini and Venkatesh were issued with the validity certificates by the intervention of the High Court. We further find that self same record has underwent scrutiny on number of occasions in granting validity certificates in the family of the petitioners. The validity certificates are issued in accordance with law and they would enure to the benefit of the petitioners.

6. In view of the judgment of the Supreme Court in the

matters of Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee and others reported in *2010(6) Mh.L.J. 401* and Maharashtra Adivasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others reported in *2023(2) Mh.L.J. 785*, impugned judgment and order is unsustainable. Petitioners are entitled to receive validity certificate on certain conditions as the committee has proposed to reopen validity certificates of the earlier validity holders.

O R D E R

- I. The writ petition is allowed partly.
- II. Impugned judgment and order dated 13.12.2023 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- III. The respondent No. 2/Scrutiny Committee shall issue validity certificates to the petitioners of Scheduled Tribe 'Thakar' forthwith.
- IV. Validity certificates shall be subject to the decision of reverification proposed by the Scrutiny Committee.
- IV. The petitioners shall not be entitled to claim equity.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]