

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10485 OF 2023

Shubham S/o Sanjay Gaikwad

Age : 26 years, Occ. Student,

R/o Sanmati Nagar, Madha,

Tq. Mhada, Dist. Solapur

...Petitioner

Versus

1. The State Of Maharashtra
Dept. of Tribal Development,
Mantralaya, Mumbai-32,
Thr. its Secretary

2. The Scheduled Tribe Caste Certificate
Scrutiny Committee, Pune Division,
5th Floor, C-Wing, Kapila Tower,
Near RTO Office, Pune,
Thr. its Member Secretary

...Respondents

AND

WRIT PETITION NO. 8425 OF 2024

Sudhir Chandrakant Gaikwad

Age : 54 years, Occ. Service,

R/o. Plot No.22, Ambika Nagar,

Part 1, Kumta Naka, Solapur

Tq. & Dist. Solapur

...Petitioner

Versus

1. The State Of Maharashtra
Dept. of Tribal Development,
Mantralaya, Mumbai-32,
Thr. its Secretary

2. The Scheduled Tribe Caste Certificate
Scrutiny Committee, Pune Division,
5th Floor, C-Wing, Kapila Tower,
Near RTO Office, Pune,
Thr. its Member Secretary

3. The Superintendent of Police,
Solapur Rural, Tq. & Dist. Solapur ...Respondents

Mr. Sushant Yeramwar, Advocate for the Petitioners.

Mr. N.C. Walimbe, Addl. G.P. a/w Mr. Vikas Mali, AGP for Respondent No.1 & 2/State in WP/10485/2023.

Ms. Reena Salunkhe, AGP for Respondent Nos.1 to 3/State in WP/8425/2024.

**CORAM : RAVINDRA V. GHUGE
&
M.M. SATHAYE, JJ.**

DATE :- 15th OCTOBER, 2024

ORAL JUDGMENT (Per : Ravindra V. Ghuge, J.) :-

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

2. In both these Petitions, the Petitioners have suffered separate orders of the Tribes Scrutiny Committee, by which, their claim of belonging to the 'Thakar', Schedule Tribe category, has been invalidated. Both claim to be close paternal relatives.

3. The learned AGPs have vehemently opposed both these Petitions and have supported the impugned orders. It is submitted

that in the old record, at some places, some entries which can be termed as adverse entries, indicate the social status of some of the paternal relatives as 'Maratha'.

4. We find from the records before us that initially, around 12 paternal relatives of the Petitioners were granted validity certificates of belonging to the 'Thakar', Schedule Tribe category, by the Committee. Thereafter, one of the paternal relatives, namely, Prasad Suhas Gaikwad, suffered invalidation at the hands of the Committee. He approached this Court in Writ Petition No.13566 of 2022 and vide Order dated 30th March, 2023, the claim of Prasad was validated on merits and the impugned order of the Committee was quashed and set aside. The learned Advocate further adds that this Court has granted a clear validity certificate to Prasad.

5. The learned Advocate further submits that after the claim of Prasad was invalidated by the Committee, the 12 relatives, who were granted validity certificates by the Committee, were subjected to reopening of the cases and their claims were invalidated. After this Court delivered the Judgment in Prasad and validated his claim, these 12 relatives also approached this Court by preferring

individual Writ Petitions. By Judgment dated 4th December, 2023, delivered in Writ Petition No.3463 of 2023 and the said group of Petitions (*Shrikant S/o Mahadeo Gaikwad V/s. The State of Maharashtra & Others*), the orders cancelling validity certificates of 12 relatives, have been set aside by the High Court and their validity certificates are restored.

6. The learned Advocate for the Petitioners further submits that many of the paternal relatives of the Petitioners use the surname 'Gaikwad'. Some of them carry the surname 'Thakur'. He has then drawn our attention to the genealogy at Page No.53 and contends that there are 20 validity holders amongst the blood relatives of the Petitioners on the paternal side.

7. The Petitioners before us are Sudhir and Shubham. Sudhir is the biological brother of Arun and Sunil. Arun's validity certificate has been restored by the High Court. The father of Arun is Chandrakant, who had four biological brothers, namely, Janardhan Gopalrao, Vasant Gopalrao, Suryakant Gopalrao, and Mahadev Gopalrao. The son of Janardhan, namely, Satish has been granted a validity certificate by the High Court. His son Anirudha

has also been granted validity certificate by the High Court. Mangesh s/o Arun also has a validity certificate, initially granted by the Committee, which was subsequently cancelled and was restored by the High Court. As such, the biological brother of the Petitioner (Sudhir), namely, Arun and his son Mangesh, have validity certificates.

8. The other Petitioner before us, namely, Shubham is the biological brother of Sneha, daughter of Sanjay, who has been granted a validity certificate. Shubham being a biological brother, will also have to be granted a certificate, is the contention. Even in the case of Sneha and her father Sanjay, the Committee had granted validity certificates, which were subsequently cancelled and then restored under the orders of the High Court. In all, there are 20 validity holders amongst the paternal relatives and all these are granted by the High Court, some of which by restoration of their original validity certificates.

9. Considering the above facts and keeping in view the law laid down by this Court 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, both these Writ Petitions are **allowed**. The impugned orders of the Committee are quashed and set aside. Both these Petitioners shall be issued with the ‘Thakar’, Schedule Tribe validity certificates by the competent Committee, within a period of 30 days from today.

10. Rule is made absolute in the above terms.

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)