

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 3379 OF 2023
WITH
INTERIM APPLICATION NO. 7579 OF 2024
IN
WRIT PETITION NO. 3379 OF 2023**

Meena Dattatrey Jagtap ... Petitioner

versus

The State of Maharashtra and Others ... Respondents

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Mr.D.B.Shinde for the Petitioner.

Ms.A.A.Purav, AGP for Respondent Nos. 1 and 2-State.

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**CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.**

DATE : 18TH DECEMBER, 2024

P.C.:

1. As the hearing on the Interim Application progressed to some length, we noticed that we could as well decide the Writ Petition itself. The only issue involved in the Writ Petition is that the claim of the Petitioner of belonging to the 'Thakur' Scheduled Tribe community has been invalidated by the Competent Committee vide the judgment dated 31st January, 2023.

2. In view of the above, we are not issuing notice to Respondent Nos. 3 and 4, who are not contesting Respondents, in the matter pertaining to the claim for a validity certificate. No adverse order would be passed against these two Respondents.

3. We have considered the submissions of the learned Advocates for the respective sides and perused the genealogy tree placed at Page No. 40 in the Petition paper book. The learned AGP submits on the basis of the records made available to her that the validity holders, namely, Ashokrao Hari Jagtap, his son Prasad Ashokrao Jagtap, Pallavi Bhagwan Jagtap and Nimba Kisan Jagtap, are related to the Petitioner. All of them have been granted validity certificates. The learned AGP is under instructions to say that there is a possibility that a notice for reopening of the cases of either of these four persons, is likely to be issued.

4. It has been held in *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and others*, AIR 2023 SC 1657, that if there are relatives on the paternal side who have received validity certificates after conducting of a Vigilance Cell inquiry, a Vigilance Cell inquiry may not always be necessary in the case of the

Claimant before the Court, save and except, for reasons to be mentioned. If the relations are undisputed, the claim of the Petitioner before the Court can be considered.

5. 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 Court has concluded that when close blood relatives from the paternal side have been granted validity certificates, the Claimant before the Court cannot be said to be belonging to any other category. It is only when the relationship is disputed that the issue is left open to be considered on its merits.

6. In the case before us, the oldest person from the clan, known to the parties, is Parbat Garbad Jagtap. He had two sons, namely, Namdev Parbat Jagtap and Tanaji Parbat Jagtap. From the branch of Namdev Parbat Jagtap, four sons were born, namely, Dattatray, Hari, Kisan and Narayan. The Petitioner is the daughter of Dattatary Namdev Jagtap. Ashokrao is the son of Hari Namdev Jagtap, who has a validity certificate. He is the first biological cousin of the Petitioner. His son Prasad Ashokrao Jagtap, has also been granted a validity certificate. Nimba, son of Kisan, has been granted a validity certificate. He is also the first cousin of the present Petitioner. Pallavi, daughter of Bhagwan,

has been granted a validity certificate. Bhagwan is the son of Kisan and the first cousin of the present Petitioner.

7. In view of the above, there is no impediment to grant a validity certificate to the Petitioner, in the light of *Apoorva d/o Vinay Nichale (supra)*. Since the learned AGP has stated on instructions that notices for reopening of the cases are likely to be issued to the four validity holders, we deem it appropriate to rely upon the judgment delivered by this Court in *Shweta Balaji Isankar vs. The State of Maharashtra and others, (2018 SCC Online Bom 10363)*, for granting a conditional validity certificate to the Petitioner.

8. Therefore, **this Writ Petition is partly allowed.** The impugned order is quashed and set aside.

9. The Committee is directed to issue a 'Thakur' Scheduled Tribe validity certificate to the Petitioner within a period of 30 days from today. The same would be a conditional validity. In the event the Committee reopens the cases of the above stated four validity holders and if any of them suffers invalidation, the consequences suffered by the said candidate would befall upon the Petitioner.

10. Considering the above directions, **the Interim Application would not survive and stands disposed off.**

(ASHWIN D. BHOBE,J.) (RAVINDRA V. GHUGE, J.)