

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

DATE : 5TH DECEMBER, 2024

PC .

1. In all these Petitions, the Petitioners claim to be blood relatives from the paternal side. All have suffered rejection of their claim of belonging to the 'Thakur' Scheduled Tribe category, vide the common order dated 12th January, 2023 passed by the Competent Authority.

2. We have considered the submissions of the learned Advocate for the Petitioners and the learned GP on behalf of the Respondent Committee. With their assistance, we have gone through the Petitions paper books. We have also perused the exhaustive order passed by this Court, dated 1st December, 2021 in Writ Petition No. 7203 of 2019 (*Prabhakar Janardhan Pawar vs. State of Maharashtra and Ors.*).

3. In the light of the submissions of the learned Advocates, we have perused the extensive family tree, which is tendered across the bar by the learned Advocate for the Petitioners. It is a typed copy of page No. 149 set out in the Petition paper book.

The same is taken on record and marked as ‘X’ for identification.

4. The Petitioners before us are Yash and Shreyas, sons of Kalidas Pawar, in Writ Petition No. 3319 of 2023. Ashok, son of Laxman Pawar, in Writ Petition No. 3314 of 2023 and Monali, daughter of Ashok Pawar in Writ Petition No. 3316 of 2023.

5. The family tree indicates that Yash and Shreyas are siblings. Their father is Kalidas, son of Budhaji. The Petitioner Monali is the daughter of Ashok Pawar, who is also a Petitioner. Yash and Shreyas are from the branch of Ganpat. Ganpat had three biological brothers, namely, Dharma, Sakharam and Dodhoo. Ganpat had three sons, namely, Shivram, Jayram and Sonu. Mangla and Sarla are two sisters, who are the daughters of Diliprao, son of Sonu. Out of these two, Mangla has a validity certificate. Archana and Abhishek are the children of Ambarnath, who is son of Sonu. Both have validity certificates. Shivram had five sons and one daughter, namely, Mahadu, Genda, Indirabai, Ananda, Budhaji and Yadav. Sanjay, son of Yadav, has a validity certificate. Dhiraj, son of Avinash and grandson of Yadav, also has a validity certificate. Prabhakar, son of Janardan and grandson of Mahadu, was granted a

validity certificate by the High Court. From the branch of Dodhoo, Ishwar, son of Baburao and grandson of Dhondhu, has been granted a validity certificate.

6. In view of the above, there are seven validity holders from the paternal side of these Petitioners, out of whom, Prabhakar, son of Janardan, was granted a validity certificate by this Court vide judgment dated 1st December, 2021 delivered in Writ Petition No. 7203 of 2019. In the said judgment, this Court has considered the factors emerging from the record and with a reasoned order, the claim of Prabhakar, son of Janardan, was accepted and the Scrutiny Committee was directed to issue a validity certificate within four weeks.

7. The learned GP has opposed these Petitions in the light of the impugned order. However, from the record emerging from the proceedings, the learned GP could not dispute the relations between the validity holders and the Petitioners, from the paternal side.

8. The Hon'ble Supreme Court in ***Maharashtra Adiwas***
Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and

others, AIR 2023 SC 1657, has concluded that if a Vigilance Cell inquiry is conducted in a given case and a validity certificate is granted, the other close relatives from the paternal side will have to establish their relations with the validity holders. In *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra)*, it has been held that if a close blood relative receives a validity certificate after a Vigilance Cell inquiry, it would not be always necessary to conduct a Vigilance Cell inquiry with regard to the Claimants who have relied upon such validity certificate, save and except, for certain exceptional reasons, to be assigned.

9. 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 a close blood relative receives a validity certificate, a Claimant, who establishes the relationship, cannot be denied a validity certificate.

10. The learned GP submits, on instructions on behalf of the Committee, that the relation between the validity holders and these Petitioners, is not denied. It is recorded in the order that no case of a validity holder has been reopened.

11. In view of the above, **these Writ Petitions are allowed.**

12. The impugned order dated 12th January, 2023 stands quashed and set aside. All these Petitioners be granted validity certificates within a period of 30 days from today.

13. After such validity certificates are issued, the Petitioners may approach their employer/ educational institutions for seeking service benefits, as are admissible to the Petitioners.

14. **All pending Interim Applications would not survive and stand disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)