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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1326 OF 2025

(Balaji s/o Shivaji Salunke and another Vs. The State of Maharashtra
and others)

Mr.S.C.Yeramwar, Advocate for the Petitioners.

(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRADE, JJ.)

DATE : JUNE 27, 2025

PER COURT :

1. This is a motion for “Speaking to the minutes of the judgment dated 23.06.2025. The learned Advocate points out that, in the 5th line in paragraph No.12, this Court has recorded as “withdraw 50%”. Instead, it be recorded as **“withdraw 50% in equal share”**.

2. In view of the above, paragraph No.12 be corrected accordingly. Corrected judgment be uploaded.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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(The judgment dated 23.06.2025 stands corrected and uploaded in view of the order dated 27.06.2025 passed on the motion for Speaking to the Minutes of the Order.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1326 OF 2025

1 Balaji s/o Shivaji Salunke,
Age : 53 years, Occu : Service,
R/o : Kanheri Road, More Nagar,
Latur, Tq. And Dist. Latur

2 Ganesh s/o Balaji Salunke
Age : 23 years, Occu : Student,
R/o : As above

.... Petitioners

Versus

1 The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai – 32
Through its Secretary

2 The Scheduled Tribe Certificate Scrutiny
Committee, Kinwat,
Headquarter – Chh. Sambhajinagar,
Tq. And Dist. Chh. Sambhajinagar
Through its Member Secretary

3 The Executive Engineer,
Maharashtra State Electricity Distribution,
Co. Ltd., Divisional Office,
Near Old Bus Stand,

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Solapur Road, Tuljapur,
Tq. Tuljapur, Dist. Dharashiv

.... Respondents

...
Advocate for the Petitioners : Mr. S. C. Yeramwar
AGP for Respondents-State : Mr. R. K. Ingole
Advocate for Respondent No. 3 : Mr. U. S. Malte

...

**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

Dated : June 23, 2025

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith. Heard finally with the consent of parties.

2. The Petitioners before us are father and son. Both are aggrieved by the common order passed by the Competent Authority dated 08.01.2025, thereby invalidating their claims of belonging to the Thakur Scheduled Tribe category. This matter was extensively heard on 19.06.2025 and 20.06.2025.

3. The Family Tree of the Petitioners indicates that both the Petitioners are from the branch of Sambhajirao. Bapurao Salunke is the oldest ancestor. The people from this community use the surnames like

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Salunke / Pawar / Thakur. Bapurao had one son, namely Dajiba. Dajiba had four sons namely Baburao, Santaram, Rambhau and Sambhajirao and a daughter Sundarabai. Baburao's grand-daughter Sangita D/o Laxman and another grand-daughter Lata D/o Narhari, have been granted Validity Certificates by the Committee.

4. Rambhau's son Prakash, who carries the surname Thakur, was before this Court in ***Writ Petition 2016 of 2007 (Prakash s/o Rambhau Thakur Vs. The State of Maharashtra and Anr.)***. This Court [Coram : B. R. Gavai (as his Lordship then was) and N. D. Deshpande, JJ.] delivered a judgment on 10.09.2009 with the opening paragraph No. 2 as under :

“2. This is again a classic case wherein, the respondent No.2 Committee has invalidated the claim of the petitioner as belonging to “Thakur Scheduled Tribe” while it has validated the claim of the petitioner's son and real brother. It is further interesting to note that this has been done by relying on the same material, which was relied upon by the Committee while validating the claim of the petitioner's son Arun and real brother Angadh.”

5. After perusing the entire files and the record, this Court concluded that the approach of the Committee is unsustainable. When

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the brother of Prakash namely Angad S/o Rambhau was granted Validity Certificate, Prakash cannot be deprived of his Certificate. His grand-son Sanjay S/o Shivaji has been granted Validity Certificate by the Committee. Petitioner No. 1 before us, namely Balaji, is the biological brother of Sanjay. Petitioner No. 2 Ganesh, is the son of Balaji.

6. Sambhajirao had eight sons namely Shivaji, Kumar, Bharat, Suresh, Kamlakar, Madhukar, Bhaskar and Ankush and one daughter Jayashree. Krushna and Sandip are siblings, both sons of Bharat and grand-sons of Sambhajirao and they have been granted Validity Certificates. Gaurav S/o Madhukar and grand-son of Sambhajirao, has also been granted Validity Certificate. Siddheshwar and Ajay are siblings, sons of Bhaskar and grand-sons of Sambhajirao and have also been granted Validity Certificates.

7. In the above backdrop, the Committee rejected the claims of the present two Petitioners. Since we found that the conduct of the Committee Members was unconscionable in the light of the judgment delivered by this Court in **Prakash Rambhau Thakur** (supra) on 10.09.2009, we had no option, but to direct the learned AGP to keep the Members of the Committee present before us.

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8. The three Members of the Committee appeared before the Court on 20.06.2025. Each one of them, namely Dinesh Bakaram Tidke, Joint Commissioner, Vijaykumar Mahadeo Katake, Deputy Director and Ganjendra Shankarrao Kendre, Senior Research Officer, have tendered their affidavits dated 20.06.2025. These three affidavits in the aforesaid serial order are taken on record and marked as 'X-1', 'X-2' and 'X-3' for identification. Each one of them has expressed remorse and regret. A statement is made that there was no intention to contradict the earlier dictum of this Court in **Prakash Rambhau Thakur** (Supra) and unconditional apologies are tendered and each one has volunteered to deposit Rs. 1,00,000/- (Rs. One Lakh Only) from their Salary Bank Accounts, in this Court, within a period of one week from today. The said statements are recorded.

9. The learned AGP submits on instructions that since the Committee has noticed certain discrepancies, the Committee intends to reopen the cases of those who have been earlier granted Validity Certificates.

10. Considering the above, **this Petition is partly allowed**, keeping in view the law laid down in **Shweta Balaji Isankar vs. State**

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of Maharashtra [(2018) SCC OnLine Bom 10363]. These two Petitioners would be issued with the Validity Certificates within 30 days from today.

11. In the event any of the Validity Holders on whose validities these Petitioners have placed reliance, face reopening of their cases, all contentions of the stake holders are kept open and in the event any of the claims of such Validity Holders are negated after reopening and their cases and the Certificates granted earlier, are cancelled, the same consequences would be fall upon the present Petitioners. Needless to state, all legal remedies are kept open.

12. The learned Advocate for the Petitioners submits that he has used his good offices and has convinced the Petitioners to donate some amount for the cause of the **Advocates' Association of Bombay High Court, Bench at Aurangabad**. When called upon, he submits that these Petitioners be permitted to “**withdraw 50% in equal share**” of the total amount deposited in this Court and the Registry may transfer the remaining 50% amount in the account of the **Advocates' Association of Bombay High Court, Bench at Aurangabad**.

13. As such, the Registry shall transfer 50% of the said amount to the Advocates' Association expeditiously, after it is deposited in this Court. The Petitioners are permitted to withdraw 50% amount with proper identification of the learned Advocate and by tendering self-attested copies of their Aadhar Cards. **Rule is made partly absolute in the above terms.**

14. Before parting with this matter, the learned AGP has tendered a Chart of pending cases before us. The same is taken on record and marked as 'Y' for identification. The Chart indicates that there are several districts which have been bundled up together and placed within the jurisdiction of a Single Committee, like for e.g. the Kinwat Committee sitting at Chhatrapati Sambhajnagar for Nanded, Hingoli, and Latur. There is a separate Committee for Chhatrapati Sambhajnagar. So also, there are few more such Committees who are vested with the jurisdiction of a couple of Districts.

15. We would appreciate if the State of Maharashtra takes a decision at the earliest, to constitute district-wise Committees in order to reduce the burden on a particular Committee which takes up matters for

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several districts. We are informed that the cases pending with the Kinwat Committee for Nanded, Hingoli and Latur Districts, is a total of 5934 matters up to April 2025. Several such matters have been cast with a timeline under the orders of the High Court. It is humanly impossible for this Committee to decide thousands of students matters in time frames like 2 months / 3 months / 4 months, etc. as directed by this Court.

16. As such, we direct the learned Registrar (Judicial) of this Court to place this order before the Chief Secretary of the State of Maharashtra. We request the Government of Maharashtra to initiate urgent steps for the constitution of district-wise Committees in order to reduce the burden on the existing Committees and to ensure that each district would then have a lesser load for deciding the matters expeditiously.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

Omkar Joshi