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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2792 OF 2025

Devendra Dagadu Shinde,
Age-18 years, Occu-Education,
R/o Pishor, Tq.Kannad,
Dist.Chhatrapati Sambhaji Nagar

-- PETITIONER

VERSUS

1. The State of Maharashtra
Tribal Development Department
Through its Secretary,
Mantralaya, Mumbai – 400 001.

2. Scheduled Tribe Certificate
Scrutiny Committee,
Chhatrapati Sambhaji Nagar,
Plot No.10, E-9, Opposite
CIDCO Bus Stand, Town Center,
Dist.Chhatrapati Sambhaji Nagar,
Through its Member Secretary

-- RESPONDENTS

Mr.S.S.Phatale, Advocate for the petitioner.
Mr.A.V.Lavte, AGP for respondent Nos. 1 and 2.

(CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.)

DATE : MARCH 5, 2025

ORAL JUDGMENT : (Per Prafulla S.Khubalkar, J.)

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

2. By this petition, the petitioner has challenged order dated 02.09.2024 passed by respondent No.2 / Caste Scrutiny Committee invalidating the petitioner's claim for 'Thakur' Scheduled Tribe.

3. The learned Advocate Mr.Phatale for the petitioner vehemently submits that the impugned order is erroneous and unsustainable in Law. He submits that the Committee failed to appreciate the documentary evidence submitted in support of the tribe claim. He submits that on the basis of validity certificates in favour of petitioner's father and real sister, the claim ought to have been validated. He also submits that the entire approach of the Committee is perverse and the impugned order is liable to be quashed and set aside.

4. The learned AGP Mr.Lavte for respondent Nos. 1 and 2 supports the impugned order and submits that the Committee has decided the caste claim by a reasoned order. He submits that the validity certificates of petitioner's father and real sisters were obtained without considering the document of Malan Totaram Shinde, paternal aunt of the petitioner of the year 1965 which shows the caste as 'Bhat'. He further submits that the petitioner was required to establish his tribe

claim independently and the Committee has rightly passed the impugned order.

5. We have considered the rival submissions of the parties and perused the papers.

6. It has to be seen that the caste claim of petitioner's father was validated on the basis of a vigilance cell enquiry report and by a reasoned order. This apart, claim of petitioner's real sister Pratiksha Dagadu Shinde was although invalidated by the Committee, however, by judgment dated 02.12.2021 in WP No.13013/2021, she was held entitled to a conditional validity. Apart from these validities, petitioner's other real sister Akansha Dagadu Shinde and their real cousin Ajay Shivaji Shinde have also got validities.

7. It has to be noted that the validities in favour of father and real sisters of the petitioner are still in force and hence the objection raised by learned AGP on the ground of contrary document of paternal aunt, is not sustainable. The petitioner is entitled to derive its benefit. Hence in view of the settled position of Law in the matter of

Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and Others, Civil Appeal No.2502/2022 (AIR 2023 SC 1657 = (2023) 3 S.C.R. 1100), the petitioner is entitled for validation of his claim. However, as submitted by the petitioner, he is ready to face the consequences contemplated in the judgment of **Shweta Balaji Isankar Vs.State of Maharashtra and others, in WP No.5611 of 2018, dated 27.07.2018 [2018 SCC Online Bombay 10363]**, and hence the petitioner is entitled to have conditional validity. Hence, we pass the following order :-

- [a] The writ petition is partly allowed.
- [b] The impugned order dated 02.09.2024 passed by respondent No.2 / Caste Scrutiny Committee is quashed and set aside.
- [c] Respondent No.2 / Caste Scrutiny Committee is directed to immediately issue a validity certificate of 'Thakur' Scheduled Tribe, in favour of the petitioner.
- [d] The validity certificate to be issued to the petitioner, shall be subject to the validity of Pratiksha Dagadu Shinde.
- [e] The petitioner shall not be entitled to claim equities.
- [f] No order as to costs.

8. Rule is made partly absolute in the above terms.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)