



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3078 OF 2025

Santosh S/o Rameshrao More,
Age: 28 years, Occ: Service
R/o, Datta Nagar, Kregaon Road
Parbhani Tq. & Dist. Parbhani.

...PETITIONER

V/s.

1. The State of Maharashtra
Tribal Development Department,
Mantralaya Mumbai-32
Through its Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad.
Dist. Aurangabad.
through its Member Secretary.
3. Zilla Parishad, Parbhani.
Tq & Dist. Parbhani
Through its Education Officer (Secondary)
4. N. V. S. Marathwada High School,
Parbhani, Tq & Dist. Parbhani
Through its Secretary.

...RESPONDENTS

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Mr. Sagar S. Phatale, Advocate for the Petitioner
Mr. S.V. Hange, AGP for the Respondent/State
Mr. Umesh Gite, Advocate for the Respondent No.4
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CORAM : MANGESH S. PATIL &
Y.G. KHOBRADE, JJ.
DATE : 23.04.2025

JUDGMENT :- (Per: Y.G. Khobragade, J.)

1. Rule. Rule made returnable forthwith. At the joint request of the parties the matter is being disposed of at the stage of admission.
2. By the present petition under Article 226 of the Constitution of India, the petitioner prays for issuance of writ of mandamus to set aside the impugned judgment and order passed by the respondent no.2-Scheduled Tribe Certificate Scrutiny Committee, Aurangabad, on 22.09.2023.
3. The learned counsel appearing for the petitioner takes us to the genealogical tree and submits that the petitioner belongs to Thakur scheduled tribe and he has received a tribe certificate from the competent authority. While pursuing studies the caste certificate of the petitioner was referred by the concerned college to the respondent no.2/scrutiny committee on 12.12.2013. Subsequently, the petitioner was appointed as Lab Assistant with the respondent no.4 from scheduled tribe reserved category on 01.04.2014. Since then the petitioner is working on the said post. On 17.05.2014, the respondent no.3 Education officer (Secondary), Zilla Parishad approved the appointment of the petitioner. While submitting the caste claim, the petitioner attached school leaving certificate of his grandfather namely Govind Khanduji More dated 06.04.1940, wherein the

entry as Thakur caste is mentioned. The school leaving certificate of his cousin grandfather namely Janardhan Khanduji More was issued on 01.04.1933 denoting entry as Thakur in the caste column. However, on 16.07.2014, the respondent no.2 invalidated petitioner's tribe claim on the ground that the Sub-Divisional Officer, Parbhani did not have the territorial jurisdiction. Therefore, writ petition no.12507/2017 was filed by the petitioner before this Court. On 12.10.2017, this Court set aside the order dated 16.07.2014 passed by the respondent no.2 and had directed it to decide the caste claim of the petitioner afresh.

4. It is further canvassed that the petitioner has also submitted the caste validity certificate issued in favour of Gajanan Govindrao More, the real uncle of the petitioner who was been declared as belonging to Thakur scheduled tribe on 09.06.2005. After conducting the inquiry through the vigilance cell, validity certificate was issued in favour of the petitioner's uncle. So also, the school leaving certificate issued on 06.04.1940 in favour of grandfather of the petitioner Shri Govind Khanduji More and school leaving certificate dated 01.04.1933 issued in favour of Janardhan Khanduji More, the cousin grandfather of the petitioner described caste as Thakur. Further, on 27.01.2004, the respondent no.2 issued caste validity certificate of Thakur tribe in favour of Shri Kamlakar Rajaram More, the cousin uncle of

the petitioner. On 31.01.2023, the respondent no.2/scrutiny committee issued notice and provided vigilance cell report dated 20.04.2022 to Pratiksha Prabhu More and directed the petitioner to submit his reply. Accordingly, on 05.06.2023, the petitioner submitted his detailed reply, which has been confirmed by the vigilance officer that as per the school records of grandfather and real brother of the grandfather and real aunt, their caste is mentioned as Thakur and the said record pertains to 1932, 1936 and 1940.

5. On 21.12.2020, this Court passed an order in writ petition no.7550/2019 and granted validity certificates in favour of Pranita Prabhu More, Pratiksha Prabhu More and Pranav Prabhu More. On 21.12.2021, this Court passed an order in writ petition no.14465/2021 and granted validity certificate in favour of Aditya Gajanan More, the cousin brother of the petitioner. However, on 22.09.2023, the respondent no.2 passed the impugned order and invalidated the caste claim of the petitioner, though, paternal blood relatives were issued validity certificates by this Court, therefore, prayed for quashing and setting aside the impugned order and prayed for issuance of directions to the respondent no.2 to issue caste validity certificate in favour of the petitioner.

6. Per contra, the learned AGP submits that the respondent no.2/scrutiny committee has made observations that prior to 06.09.1950 the family members of the petitioner were residing at village Wakad, Tq. Risod, Dist. Washim. As per Act of 1956 "Thakur" scheduled tribe were residing in Pune, Ahmednagar, Nashik, Thane Palghar districts and other hilly areas in the State of Maharashtra. As per the vigilance cell report no evidence was found about migration of family members of the petitioner. On 21.12.2020 , this Court passed an order in writ petition no.7550/2019, granted validity certificates in favour of Pranita Prabhu More, Pratiksha Prabhu More and Pranav Prabhu More and vide order dated 21.12.2021, passed in writ petition no.14465/2021, validity certificate was granted in favour of Aditya Gajanan More. However, said certificates were granted conditionally. So also, blood relatives of the petitioner Shri Gajanan Govindrao More and Kamlakar Rajaram More obtained validity certificates by concealing the facts, therefore, the petitioner is not entitled for the validity certificate, hence, prayed for dismissal of the petition.

7. We have considered the rival submissions canvassed on behalf of both the sides and gone through the petitioner paper book. The issue involved in the present petitioner is no longer *res integra* as held by this Court in the case of **Shweta Balaji Isankar Vs. State of Maharashtra and Ors.**

(Writ Petition No.6320/2017) and in the case of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.; 2023 SCC Online SC 326.**

8. Reverting back to the facts of the present case and on perusal of the impugned order it *prima facie* appears that, on 21.12.2020, the co-ordinate bench of this Court passed an order in writ petition nos.7550/2019 and 14465/2021 and issued Thakur scheduled tribe caste validity certificates in favour of the paternal blood relatives of the petitioner. Therefore, apparently there are validities of Thakur scheduled tribe in the family of the petitioner. So also, the petitioner has produced school leaving certificate dated 06.04.1940 of his grandfather-Govind Khanduji More and school leaving certificate dated 01.04.1933 of his cousin grandfather- Janardhan Khanduji More. Both these documents are pre-independent era and denotes entry of caste Thakur against the caste column. Though, the respondent no.2/ scrutiny committee has observed about concealment of facts for obtaining validities by Gajanan Govindrao More and Kamlakar Rajaram More, however, nothing has been brought on record to show that the caste claim of both of them were revoked by the respondent no.2. Therefore, considering the law laid down in the case of **Shweta Balaji Isankar and Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti** cited (supra), the

petitioner is entitled for the validity certificate which shall be subject to the decision to be taken by the respondent no.2/scrutiny committee, if it is decided to re-open the caste claim of the blood relatives of the petitioner.

9. In view of above discussion, the writ petition is partly allowed. The impugned order dated 22.09.2023 passed by the respondent no.2 is quashed and set aside. The respondent no.2/scrutiny committee shall immediately issue tribe validity certificate to the petitioner as belonging to the Thakur scheduled tribe which shall be subject to the decision to be taken by the committee in re-opened matters.

[Y.G. KHOBRADE, J.]

[MANGESH S. PATIL, J.]