



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3488 OF 2025

Krushna S/o Jagdish Shinde,
Age: 20 years, Occu: Education,
R/o Pishor, Tq. Kannad,
Dist. Chhatrapati Sambhaji Nagar.

... PETITIONER

V/s.

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. Sagar S. Phatale, Advocate for the Petitioner
Ms. S.S. Joshi, AGP for the Respondent-State
.....

CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.
DATE : 5th August, 2025

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

1. Rule. Rule made returnable forthwith. With the consent of both the sides, it is heard finally at the stage of admission.

2. By the present petition, the Petitioner takes exception to the order dated 22.11.2024 passed by the Respondent No.2-Scrutiny Committee, thereby invalidating his “Thakur” Scheduled Tribe certificate.

3. We have considered the submissions of the learned counsel for the Petitioner and the learned AGP for the Respondents.

4. Having regard to the rival submissions canvassed on behalf of both the sides, we have gone through the record. As per the Genealogical tree, Dagdu Shinde, the great grandfather of the Petitioner had two sons namely Devram @ Deuba and Arjun. Jagannath, Narayan and Chagan are sons of Arjun. Sharda, Jagdish, Satish and Manjushri are children of Narayan. The Petitioner-Krushna is son of Jagdish.

5. On face of record it appears that, on 23.05.2003, the Respondent No.2/Scrutiny Committee issued “Thakur” Scheduled Tribe validity certificate in favour of Manjushri Narayan Shinde. On 22.11.2004, the Respondent No.2 Scrutiny Committee issued “Thakur” Scheduled Tribe validity certificate in favour of Sharda Narayan Shinde. Manjushri and Sharda are paternal aunts of the Petitioner. The Division Bench of this Court passed an order in Writ Petition No.1368/2007 (Satish Narayan Shinde V/s. The State of Maharashtra & Ors.) on 06.02.2025 and directed the Respondent No.2 Scrutiny Committee

to issue conditional validity certificate in favour of uncle of the present Petitioner.

6. The Respondent No.2 Scrutiny Committee has not denied the paternal blood relations between the Petitioner and other validity holders in whose favor validity certificates are issued as referred above. Therefore, taking into consideration the law laid down in ***Mah. Adivasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others; AIR 2023 SC 1657, Shweta Balaji Isankar Vs. The State of Maharashtra and others; 2018 SCC OnLine Bom. 10363 and Apporva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others; 2010 (6) Mh. L.J. 401***, wherein it has been concluded that, when the biological father, biological siblings, biological uncle etc., are granted validity certificates, a candidate so related to them, cannot be deprived of a validity certificate. Therefore, the present Petitioner is also entitled to have a certificate of validity which shall be co-terminus with the decision in the matter which the committee may decide to re-open.

7. In view of above discussion, the present petition deserves to be allowed partly and the impugned order dated 22.11.2024 passed by the Respondent No.2-Scrutiny Committee needs to be quashed and set aside. Accordingly, we proceed to pass the following order:

ORDER

- i. Writ Petition is partly allowed.
- ii. The impugned order dated 22.11.2024 passed by the Respondent No.2-Scrutiny Committee is hereby quashed and set aside.
- iii. The Respondent No.2 Scrutiny Committee shall issue “Thakur” Scheduled Tribe validity certificate in favour of the Petitioner within a period of two weeks which shall be subject to final outcome of the matters which the committee has decided to re-open.
- iv. Rule is made partly absolute in above terms.

[Y.G. KHOBRADE, J.]**[MANISH PITALE, J.]**