



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3814 OF 2025

Rahul s/o Chandrashekhar Pawar ... **Petitioner**
Age 33 years, Occu: Service,
R/o Plot No.41(a), New Bhagwan
Nagar, Near Nerkr Tailor, Jalgaon
Presently r/o Type 2/1/5, MSEB Power
House, Mumbai Nashik Highway, Padghe,
Tq. Bhivandi Dist. Thane

VERSUS

1. The State of Maharashtra Electricity
Transmission Company Ltd.,
through its Chief General Manager (HR).,
'Prakashganga, 7th Floor, Plot No. C-19, E-
Block Bandra-Kurla Complex, Bandra
(East), Station Road,
Mumbai – 400 051.
2. Scheduled Tribes Certificate ... **Respondents**
Scrutiny Committee, Nandurbar Division,
Nandurbar,
Through its Member Secretary
3. Sub-Divisional Officer,
Jalgaon Division, Jalgaon
District Jalgaon

Mr. Mahesh S. Deshmukh, Advocate for the Petitioner
Mr. A.M. Gaikwad, Advocate for Respondent no. 1
Mr. Amar V. Lavte, AGP for Respondents-State

CORAM : MANGESH S. PATIL &
Y. G. KHOBRADE, JJ.

DATE : 21.03.2025

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

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

2. By the present petition under Article 226 and 227 of the Constitution of India, the petitioner prays for quashing and setting aside the order dated 31.01.2019, passed by Respondent No. 2 Scheduled Tribes Caste Scrutiny Committee, Nandurbar, thereby invalidating “Thakur” Scheduled Tribe claim of the petitioner.

3. We have considered the submissions of the learned Counsel appearing for the respective parties and perused the petition paper book. The learned AGP strongly opposes the petition.

4. It is the case of the petitioner that, he belongs to “Thakur”, Schedule Tribe. On 04.02.2015, he was appointed as an Assistant Engineer with Respondent No. 1 as a reserved category candidate. On 11.09.2009, his caste claim was referred to Respondent No. 2 Scrutiny Committee for verification. He produced school records of real brothers of his great-grand-father namely Kashiram Supdu Thakur as well as Raghunath Supdu Pawar of years 1920 and 1931 as well as that of

grandfather Dattu Sampat Pawar of year 1946 denoting entries as “Thakur” Schedule Tribe. He also produced validity certificate granted in favour of his real uncle Sunildatta, which has been granted by Respondent No. 2 after conducting Vigilance Cell enquiry. However, on 31.01,2019, Respondent no. 2 has passed the impugned order and invalidated his tribe claim.

5. By the impugned order dated 31.01.2019, Respondent No. 2 invalidated Schedule Tribes claim of the petitioner, his father Shri Chandrashekhar s/o Dattatraya Pawar and his sister Ms. Harshali d/o Chandrashekhar Pawar by relying upon Vigilance Cell Report. As per genealogical tree, Shri Sunildatta s/o Dattatraya Pawar is a real uncle of the petitioner. Respondent No. 2 has already granted “Thakur” Schedule Tribe validity certificate in favour of the petitioner’s real uncle Shri Sunildatta after conducting Vigilance Cell enquiry, on 20.04.2000. So also, on 03.04.2001, the Respondent no. 2 granted “Thakur” Schedule Tribe validity certificate in favour of the petitioner’s cousin uncle, Shri Bhaskar Totaram Pawar after relying upon affidavit of Shri Y.M. Pawar in W.P. No. 4681 of 1987. Besides this, the petitioner produced School Leaving Certificate of his cousin grand-father Shri Kashiram Supadu Thakur pertaining to year 1920, School Leaving Certificate of his grandfather Shri Dattu Sampat Pawar pertaining to

1946, School Leaving Certificate of his cousin uncle Shri Namdev Sakharam Pawar pertaining to 1942. All these documents are of pre-Schedule Tribes Order 1950. Therefore, taking into consideration the law laid down in cases of *Mah. Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra & Ors.*; AIR 2023 S.C. 1657, *Shweta Balaji Isankar V/s. State of Maharashtra & Ors.*, 2018 SCC Online Bom. 10341; *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.

6. In view of above discussion, present petition deserves to be allowed and impugned order dated 31.01.2019 passed by the Respondent no. 2 needs to be quashed and set aside. Accordingly, we proceed to pass the following order:

ORDER

- (i) The Writ petition is allowed. The impugned order dated 31.01.2019 passed by Respondent no. 2/Committee is hereby quashed and set aside.

- (ii) The Respondent No.2/Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Thakur' Schedule Tribe in the prescribed format without adding anything.
- (iii) Rule is made absolute accordingly.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

JPChavan