



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9404 OF 2019
WITH
CIVIL APPLICATION NO. 4501 OF 2025

Himanshu s/o Dilip Bhamare ... Petitioner
Age 28 years, Occu: Service
R/o 38, Indraprastha Colony,
Near Stadium, Gondur Road,
Deopur, Tq. & Dist. Dhule

VERSUS

1. The State of Maharashtra,
Through its Secretary
Department of Tribal Development
Mantralaya, Mumbai-32
2. The Scheduled Tribe Certificate Scrutiny ... Respondents
Committee, Nandurbar Division, Nandurbar,
Through its Member Secretary
3. The Education Officer (Primary)
Zilla Parishad, Dhule
4. Anandvan Primary Vidyalaya,
Songir, Tq. & Dist. Dhule
Through its Headmaster

Mr. Digambar Shinde h/for Mr. Sushant C. Yeramwar, Advocate for the
petitioner,
Mr. V. M. Kagne, AGP for respondent nos. 1 and 2

CORAM : MANGESH S. PATIL &
Y. G. KHOBRADE, JJ.
DATED : 25.04.2025

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 of the Constitution of India, the Petitioner prays for quashing and setting aside the order dated 08.07.2019, passed by Respondent No. 2 Scheduled Tribes Caste Scrutiny Committee, Nandurbar, thereby invalidating “Thakur” Scheduled Tribe of the Petitioner.

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

4. It is the case of the Petitioner that, he belongs to “Thakur”, Schedule Tribes. On 21.01.2012, he was appointed as an Assistant Teacher with Respondent No. 4 School against the seat reserved for Schedule Tribe category. Respondent no. 3 Education Officer has granted approval to his appointment on 23.04.2012 and since then he is in service. However, when he was studying in the College, his caste claim was referred to the Caste Scrutiny Committee, Nashik, on 03.09.2002 alongwith documentary

evidence of pre-constitutional period and certificate of Caste Validities which were issued in favour of his two cousin uncles. Subsequently, his caste claim was referred to the Respondent no. 2 newly constituted Caste Scrutiny Committee, Nandurbar. On 3.11.2016 he was served with Vigilance Report, to which he replied on 02.12.2016. However, Respondent no. 2 without any reason again decided to conduct Vigilance Cell enquiry. Accordingly, on 15.06.2019, the Vigilance report was submitted. The Petitioner was then served with show cause notice dated 28.06.2019 alongwith second vigilance cell report, calling upon him to submit his explanation, as genealogical tree did not match. So also, though the petitioner relied on caste validity granted to his cousin Ms. Mayuri Manoj Bhamre but during vigilance enquiry it was revealed that the names of persons described in genealogy did not match. The entry in School Leaving Certificate issued by Z.P. School Virdel Tq. Shindkheda in respect of Shri Durgadas Barka Bhamre reflects scratching by making round over 'Brahma-Bhatt' in the caste column. Similarly, in school admission register dated 08.06.1942 pertaining to his cousin uncle Shri Yashwant Barka Bhamre entry in the caste column is shown as 'Brahma-Bhatt'. Further, in caste columns of the petitioner's relatives there are different entries i.e. Bhat, Hindu Brahma-Bhatt, Thakur, Hindu Thakur, Hindu Bhatt Therefore, as per vigilance report, his caste claim does not sustain. On 01.07.2019, the Petitioner replied to the show cause notice

contending that, earlier his paternal blood relatives were granted caste validity certificates and the validities are still in existence.

5. As per genealogical tree, Late Lakadu was having three Children namely Handu, Ganpat and Harsingh. Handu had one son Jamsingh. Ganpat had three sons namely Naval, Dilip and Sudhakar. Harsingh had one son Ranjit. Shri Jamsingh had two sons namely Amit and Sumeet. Shri Naval had two sons namely Sunil and Sachin. The present petitioner is son of Dilip Ganpat Bhamare. On going through the impugned order, we find that the Respondent Scrutiny Committee has granted validity certificate to Shri Jamsingh Handusing Bhamare, the second degree paternal uncle of the petitioner and paternal blood relative of the petitioner.

6. Needless to say that, on 6 September 2023, a coordinate bench of this Court at principal seat passed an order in Writ Petition No. 3102 of 2021 (Kaustubh Sudhakar Bhamare and another-Vs- State of Maharashtra & Ors.) and observed in para 4 as under:

“4. On going through the impugned order, we find that Scrutiny Committee has not considered the core issue involved in the petition which pertains to the basis of validity certificate granted to Jamsingh Handusing Bhamare, paternal uncle of the Petitioners. The basis of grant of validity certificate to Jamsingh Handusing Bhamare was the certificate of validity granted to Amol Dilipsing Bhamare, paternal cousin of the petitioners and

Amol Dilipsing Bhamare was ranted validity certificate on the basis of the directions given by this Court, in Writ Petition No. 3117 /1996 decided on 18/06/1996. We also find that Scrutiny Committee has not considered in any manner pre-constitution entries namely, entry dated 24/04/1926 standing in relation to Handu Lakdu Thakur, entry dated 16-07-1937 standing in relation to Tahnsing Lakde Bhamare and entry dated 13-06-1941 standing in relation to Harsingh Lakde Thakur. Such non consideration of the core issue and documents relating to the claim of the petitioners has resulted in rendering the impugned order as bad in law deserving it being quashed and set aside by this Court". [Emphasis supplied]

7. Further, On 20th September, 2024, the coordinate bench of this court passed an order in Writ Petition No. 3656 of 2021 Sudhakar Ganpat Bhamare-Vs- State of Maharashtra & ors., and granted validity to paternal cousin of the petitioner. 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, Apoorva Vinay Nichale-Vs- Divisional Caste Certificate Scrutiny Committee No. 1 and Ors., [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, the present petitioner is entitled to have a certificate of validity.

8. In view of above discussion, present petition deserves to be allowed and impugned order dated 08.07.2019 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 08.07.2019 passed by the Respondent no. 2 is hereby quashed and set aside. The Respondent/Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Thakur' Schedule Tribe in the prescribed format. However, we clarify that, in the event, any time in future, the validity certificates issued Kaustubh, Chetashri, Jamsing Handusing or Ranjit Harsing are questioned and suffer adverse orders, the same consequences would be applicable to the petitioner and he would be held liable for the same action.
- (ii) Rule made absolute accordingly.
- (iii) Pending Civil Application also stands disposed off.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)