



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5240 OF 2025

Aryan s/o Ravindra Jagtap,
Age: 19 years, Occu: Student,
R/o Gut No.142, Plot No.71, Balapur,
Ashiyad Colony, Near Guru Lawns,
Beed Bypass, Ch. Sambhajinagar,
Tq. & Dist. Ch. Sambhajinagar.

... PETITIONER

V/s.

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. Scheduled Tribe Certificate Verification
Committee, Ch. Sambhajinagar
Through its Deputy Director (Research)
and Member Secretary,
Near Saint Lawrence School, Cidco,
Ch. Sambhajinagar,
Dist. Ch. Sambhajinagar.

... RESPONDENTS

.....
Mr. C.R. Thorat, Advocate for the Petitioner
Mr. S.K. Tambe, AGP for the Respondent-State
.....

CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.
DATE : 15th July, 2025

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

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

2. By the present petition under Article 227 of the Constitution of India, the Petitioner prays for quashing and setting aside the order dated 05.03.2025 passed by the Respondent No.2-Scrutiny Committee, Aurangabad thereby invalidating 'Thakur' Scheduled Tribe certificate of the Petitioner.

3. We have considered the submissions of the learned counsel for the Petitioner and the learned AGP for the Respondents. It is the case of the Petitioner that, he belongs to 'Thakur' Scheduled Tribe. On 28.06.2024, the Petitioner submitted the proposal for verification of his Scheduled Tribe claim to the Respondent No.2-Scrutiny Committee for education purpose along with documentary evidence of pre-constitutional period and tribe validity certificates of his blood relatives including school record of his father, cousin grand father namely Laxman Jagannath Jagtap, caste validity certificate issued by the Respondent No.2 on 26.02.2002 in favour of his father Ravindra Jagtap, caste validity certificate dated 15.11.2003 issued by the Respondent No.2 in favour of real uncle of the Petitioner namely Rajendra Jagtap. It is further canvassed on behalf of the Petitioner that the Petitioner relied on caste validity certificate of his real cousin brother Pawan Vitthal Jagtap who relied on the caste validity certificate of the father of the Petitioner issued on 08.09.2023. So also, the judgment and order dated 03.09.2024 passed by this Court. However, the

Petitioner's claim was refuted by the Respondent No.2 without assigning proper and cogent reasons.

4. Per contra, the learned AGP supported the findings recorded by the Respondent No.2 and submits that though the Petitioner relied on caste validity certificates of his father Ravindra Jagtap and his real uncle Rajendra Jagtap, however, the father and uncle of the Petitioner obtained validity certificates by playing fraud. So also, as per vigilance cell report 'Thakar' is mentioned in the school record of the cousin grand father and cousin parental aunt of the Petitioner which falls within the category of Other Backward Class. Therefore, the Petitioner has failed to prove his caste claim and hence prayed for dismissal of the petition.

5. On 03.09.2024, this Court (**Mangesh S. Patil & Shailesh P. Brahme, JJ.**) passed the order in Writ Petition No.14229/2023 directing the Respondent No.2-Scrutiny Committee to issue validity certificate in favour of the Petitioner Pawan Jagtap as belonging to Thakur Scheduled Tribe, observing that the validity shall be co-terminus with the decision if the Respondent No.2-Scrutiny Committee decides to re-open. On 15.11.2003, the Respondent No.2-Scrutiny Committee issued Thakur Scheduled Tribe certificate in favour of Rajendra Jagtap the real uncle of the Petitioner. Further, on 26.02.2002 the Respondent No.2-Scrutiny Committee issued Thakur Scheduled Tribe

certificate in favour of Ravindra Jagtap, the father of the Petitioner. Since this Court as well as the Respondent No.2-Scrutiny Committee granted validity certificates of Thakur Scheduled Tribe in favour of father and real uncle of the Petitioner, 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, the present Petitioner is entitled to have a certificate of validity. However, the said validity shall be co-terminus with the decision in the matter which the committee may decide to re-open.

6. In view of above discussion, the present petition deserves to be allowed and the impugned order dated 05.03.2025 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 05.03.2025 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 which shall 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.]