



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

950 WRIT PETITION NO. 8294 OF 2025

RUSHIKESH DHANANJAY DHONE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Advocate for the Petitioner : Mr. Yeramwar Sushant C.
AGP for Respondents/State : Mr. S.D. Ghayal
.....

CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.
DATE : 24th July, 2025

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

1. By the present petition, the Petitioner takes exception to the order dated 29.05.2025 passed by the Respondent No.2/Scrutiny Committee thereby invalidating his "Thakar" Scheduled Tribe certificate.
2. Issue notice to the Respondents. The learned AGP waives notice on behalf of both the Respondents. Considering the urgency, the matter is taken up for final disposal at the motion. Heard both the sides at length.
3. Having regard to the rival submissions canvassed on behalf of both the sides, we have gone through the petition paper book. As per the Genealogical tree the forefather of the Petitioner i.e. Limba had four sons

namely Namdev, Ananta, Galfa and Shekhu. Namdev had one son Sonba. Sonba had two sons Savtaram and Limbaji. Jaishri, Rajkumari, Rajni, Aasha and Dhananjay are the grandchildren of Sonba. On 10.12.2004, the Respondent No.2/Scrutiny Committee issued “Thakar” Scheduled Tribe certificate in favour of Dhananjay Savtaram Dhone, father of the present of the Petitioner. The Division Bench of this Court has delivered an order on 19.07.2019 in Writ Petition Nos.5820/2019 (Mayuri Pandit Dhone V/s. State of Maharashtra & Ors.) and directed the Respondent No.2/Scrutiny Committee to issue conditional “Thakar” Scheduled Tribe validity certificate in favour of the paternal cousin sister of the present Petitioner.

4. The Respondent No.2/Scrutiny Committee has not denied the paternal blood relation between the Petitioner and the Petitioner in the above referred petition. Therefore, considering 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.

5. Since the present Petitioner is paternal blood relative of other candidate in whose favour tribe validity certificate is directed to be issued, therefore, the Petitioner is entitled to have a Scheduled Tribe Certificate on the ground of parity as per the law laid down in the above referred case laws. Therefore, we are inclined to allow the present petition partly. Accordingly, we proceed to pass the following order:

ORDER

- i. The impugned order dated 29.05.2025 passed by the Respondent No.2/Scrutiny Committee is hereby quashed and set aside.
- ii. The Respondent No.2/Scrutiny Committee is hereby directed to issue a “Thakar” Scheduled Tribe validity certificate to the Petitioner within a period of four weeks. However, the validity shall be subject to the final outcome of the matters which the Committee may decide to re-open.
- iii. The Writ Petition is disposed of.

[Y.G. KHOBRAGADE, J.]

[MANISH PITALE, J.]