



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2611 OF 2014

Rambhau Keshavrao Gawalee
Age : 23 years, Occ : Student,
R/o At Post Adgaon Bazaar,
Tq. Jintur, Dist. Parbhani.

... PETITIONER

...VERSUS...

1. The State of Maharashtra
Through its Secretary,
Tribal Development,
Mantralaya, Mumbai.
2. The Scheduled Tribe,
Certificate Scrutiny Committee,
Aurangabad Division, Aurangabad.
3. The Collector,
Dist.Parbhani.
4. The Sub-Divisional Officer,
Tq. Selu, Dist. Parbhani.
5. The Principal,
Aditya Adhyapak Vidyalaya,
Tq. Selu, Dist. Parbhani.

... RESPONDENTS

WITH

WRIT PETITION NO. 2632 OF 2014

Rekha Keshavrao Gawalee
Age : 21 years, Occ : Student,
R/o At Post Adgaon Bazaar,
Tq. Jintur, Dist. Parbhani.

... PETITIONER

...VERSUS...

1. The State of Maharashtra
Through its Secretary,
Tribal Development,
Mantralaya, Mumbai.

2. The Scheduled Tribe,
Certificate Scrutiny Committee,
Aurangabad Division, Aurangabad.
3. The Collector,
Dist.Parbhani.
4. The Sub-Divisional Officer,
Tq. Selu, Dist. Parbhani.
5. The Principal,
Krushi Mharshi Ranji Kundge
Adhyapak Vidyalaya, Ranisavargaon,
Tq. Gangakhed, Dist. Parbhani.

... RESPONDENTS

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- Mr. Anandsing Bayas, Advocate for petitioner in both matters.
 - Mr. N.D. Batule, AGP for respondent nos.1 to 4.
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**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL – JADHAV, JJ.**

RESERVED ON : DECEMBER 08, 2025

PRONOUNCED ON : DECEMBER 10, 2025

JUDGMENT [Per Vaishali Patil – Jadhav, J.] :

. Rule. Rule made returnable forthwith. Heard finally with the consent of learned advocates for the parties.

2. The tribe claim of the petitioners as belonging to "Thakur, Scheduled Tribe" is invalidated by Respondent No.2 - Scrutiny Committee by order dated 31.10.2013 and the same is under challenge in these petitions.

3. The petitioners are real brother and sister. Their tribe claim is decided by common order by the Scrutiny Committee. The Scrutiny Committee has invalidated the tribe claim of the petitioners on the ground of area restriction and failure to pass the affinity test. The Committee has brushed aside documentary evidence of *Khasra Patrak* by holding that mere mention of name with Thakar as surname is not sufficient to prove the tribe claim.

4. Heard learned Advocate for the petitioners and learned A.G.P. for respondent nos.1 to 4 assisted by the Law Officer of the Committee. Perused the record made available by learned A.G.P.

5. The petitioners have relied on *Khasra Patrak* of the year 1954-55, wherein the great-grand father's name Keshav Dagdu Thakar is mentioned. The petitioners also relied on validity certificate of 2nd cousin uncle Bandu Tukaram Gawali dated 25.06.2004 and 2nd cousin brother Pralhad Bhagwanrao Gawali dated 30.10.2004 issued by the Respondent Committee.

6. Though, there are no contra entries in the record placed before the Committee, learned A.G.P. informed that the validity certificate granted to Bandu Tukaram Gawali is reopened by the Committee as some contra entries were reported in the vigilance cell report of the daughter of Bandu, therefore, conditional validity is granted to Srushti, daughter of Bandu by this Court in Writ Petition

No.9873/2025(*Chandrakant Santosh Gawali and another Vs. The State of Maharashtra and another*). While granting conditional validity, this Court has observed as under :-

"8. 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], 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, considering parity with the blood relatives of the petitioners, the petitioners are entitled to have conditional validity subject to outcome of the decision in the proceedings in respect of the blood relatives of the petitioners, which the committee has decided to reopen."

7. As the validity certificates are issued in favour of 2nd cousin uncle Bandu Tukaram Gawali and 2nd cousin brother Pralhad Bhagwanrao Gawali of the petitioner and conditional validity issued to daughter-Srushti of Bandu, the petitioners deserve the same relief on the ground of parity.

8. In the result, we pass the following order:-

ORDER :-

(i) Writ Petitions are partly allowed.

(ii) The impugned order dated 31.10.2013 passed by Respondent No.2 - Scrutiny Committee is hereby quashed and set aside.

(iii) Respondent No.2 - Scrutiny Committee shall immediately issue "Thakur, Scheduled Tribe" validity certificates in favour of the petitioners, which shall be subject to following conditions:-

(a) The caste validity certificates shall be subject to the outcome of the re-verification of the validity certificates of their blood relatives reopened by the Scrutiny Committee.

(b) The petitioners shall not claim any equity.

(c) The petitioners shall cooperate with the Scrutiny Committee.

(iv) Rule is made absolute in the above terms.

(v) No order as to costs.

[VAISHALI PATIL – JADHAV, J.]

[NITIN B. SURYAWANSHI, J.]