

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3310 OF 2024

Dipti d/o. Digambar Gavankar.
Age: 34 years, Occ. Private Service,
R/o Riddhi Siddhi Residency,
Flat No. 1002, Plot No. 27, Sector 9,
ULWE, Navi Mumbai. ... Petitioner.
V/s.

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai- 32.
Through its Secretary.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Konkan Division, Thane,
Dist. Thane, Tq. & Dist. Thane.
Through its Member Secretary. ... Respondents.

Mr. Sahil Choudhari h/f. Mr. Sushant Yermvar, Advocate for Petitioner.
Ms. P.N. Diwan, AGP for Respondent/State.

CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.

DATE : 10th NOVEMBER, 2025

ORAL JUDGMENT : (*Per Ravindra V. Ghuge, J*)

1. Rule. Rule made returnable forthwith and heard finally by
the consent of the parties.

2. We have a peculiar case before us. As we narrate the factual

matrix, the peculiarity of the case would come to light. We are summarizing the factual matrix as under :

(a) The Petitioner Dipti, daughter of Digambar Gavankar, is around 35 years of age and is an employee in a private sector.

(b) By an order dated 7/12/2009, 16 years ago, her claim of belonging to the 'Thakar - Scheduled Tribe' category, which is at Serial No. 44 in the list of Scheduled Tribes in the State of Maharashtra, was scrutinized by the Committee and the request for a validity certificate was rejected.

(c) The Petitioner's biological uncle (father's biological brother) Vilas, has received the validity certificate from the Committee. His biological brother Sandip has also received a validity certificate from the Committee.

(d) Keshav, son of Shankar and grand son of the oldest recorded ancestor Sitaram Thakar, had 4 sons namely, Digambar, Vilas, Sandip and Nitin.

(d) Digambar is the father of Dipti and Aarti, who are siblings. Vilas is the father of Chaitali and Chetan (siblings). Sandip is the father

of Shankar and Shrushti (siblings).

(e) Nitin is father of Yash. Biological brothers Vilas and Sandip, having received the validity certificates, led the Kolhapur Circuit Bench of the Bombay High Court, in granting a validity certificate to Shankar, son of Sandip, in Writ Petition No. 8943 of 2023, vide order dated 03/9/2025.

(f) The above narrated paternal relatives are from the branch of Shankar, son of Sitaram. Sitaram is said to have 3 sons namely, Krushna, Shankar and Ramchandra. From the branch of Krushna, Suraj, son of Sunil, grand son of Gopal, and great grand son of Krushna, has been granted the validity certificate by the Committee.

3. The above narration of the paternal relatives is on the basis of the genealogy tendered to the Committee by Sandip Keshav Gavankar. A typed copy of the same is tendered to the Court which taken on record and marked as 'X' for identification. On the basis of the said genealogy, Sandip was granted a validity certificate by the Committee. His biological brother Vilas was also granted the validity certificate. Since the claim of Shankar, son of Sandip was invalidated by the Committee, he approached the Bombay High, Circuit Bench at Kolhapur

and received the validity certificate by order dated 03/9/2025 (supra).

4. In such circumstances, the law laid down by this Court in *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur, (2010(6) Mh.L.J. 401)* would be squarely applicable.

5. The learned AGP points out that two of the paternal cousins of the present Petitioner namely, Sandip Keshav Gavankar and Vilas Keshav Gavankar, have been issued with 'show cause' notices on 21/10/2022, for reopening their cases, after having been granted validity certificates, unconditionally. This aspect was not brought to the notice of the Circuit Bench at Kolhapur, which granted a validity certificate to Shankar, son of Sandip vide order dated 03/9/2025.

6. Considering the above position, we find that the Petitioner's case need not be kept pending and she can be granted a validity certificate, conditionally, in the light of the Judicial pronouncement of this Court in *Shweta Balaji Isankar vs. The State of Maharashtra and others*, Writ Petition No.5611/2018, decided on 27.07.2018 by this Court (2018 SCC Online Bom 10363).

7. As such, **this Petition is partly allowed**. The impugned order dated 07.12.2009 is quashed and set aside. The Competent Committee shall grant a validity certificate to the Petitioner within a period of 30 days from today. We record that we are conditionally granting the validity certificate to the Petitioner. In the event, any of her paternal relatives suffer reopening of their cases leading to cancellation of the validity certificate already granted, the same consequences would visit the present Petitioner.

8. **Rule is made partly absolute** in the above terms.

(ASHWIN D.BHOBE, J.)

(RAVINDRA V. GHUGE, J.)