

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

(2) WRIT PETITION NO.13646 OF 2022

Nilesh Ramchandra Garud)
Age : 30 years, Occu. Education)
R/o. 4, Sitaram Row House Kalika Nagar,)
Untawadi, Nashik – 8)Petitioner

V/s.

1. The State of Maharashtra)
Through its Secretary,)
Tribal Development,)
Mantralaya, Mumbai)
2. The Scheduled Tribe,)
Certificate Scrutiny Committee,)
Nashik Division, Nashik)Respondents

WITH

WRIT PETITION NO.1028 OF 2025

Rajendra Shankarrao Garud)
Age : 58 years, Occ. Retired Government)
Servant, R/o. 5, Disha Apartment, Sahadev)
Nagar, Near Pumping Station, Gangapur)
Road, Nashik – 13)Petitioner

V/s.

1. The State of Maharashtra)
Through its Secretary,)
Tribal Development,)
Mantralaya, Mumbai)
2. The Scheduled Tribe,)
Certificate Scrutiny Committee,)
Nashik Division, Nashik)
3. The General Manager,)
Sanchar Bhavan, Sir Vishweshwaraiya)
Marg, BSNL District Nashik, Nashik)Respondents

WITH

(501) WRIT PETITION NO.13705 OF 2022

Dilip Shankarrao Garud)
 Age : 62 years, Occ. Retired)
 R/o. 4, Shripad Bungalow Hariom Colony,)
 Balwant Nagar, Anandwali Gangapur Road,)
 Nashik – 13)Petitioner

V/s.

1. The State of Maharashtra)
 Through its Secretary,)
 Tribal Development,)
 Mantralaya, Mumbai)
 2. The Scheduled Tribe,)
 Certificate Scrutiny Committee,)
 Nashik Division, Nashik)
 3. The Commissioner)
 Municipal Corporation Nashik)
 Rajiv Gandhi Bhavan, Sharanpur Road,)
 Nashik – 422 002)Respondents

**WITH
 WRIT PETITION NO.4051 OF 2024**

Sonakshi Rajendra Garud)
 Age : 25 years, Occ. Education)
 R/o. 5, Disha Apartment, Sahadev Nagar,)
 Near Pumping Station, Gangapur Road,)
 Nashik – 13)Petitioner

V/s.

1. The State of Maharashtra)
 Through its Secretary,)
 Tribal Development,)
 Mantralaya, Mumbai)
 2. The Scheduled Tribe,)
 Certificate Scrutiny Committee,)
 Nashik Division, Nashik)Respondents

Mr. Anandsingh Bayas for the Petitioner.
 Mrs. P.M.J. Deshpande, AGP for the State in WP/13646/2022.
 Mr. Aditya R. Deolekar, AGP for the State in WP/1028/2025.

Mr. A.K. Naik, AGP for Respondent Nos.1 and 2 in WP/13646/2022.

Mr. P.P. Kakade, Addl. GP a/w. Mr. S.H. Kankal, AGP for Respondent Nos.1 and 2 in WP/4051/2024.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 4th MARCH, 2025

ORAL JUDGMENT (PER RAVINDRA V. GHUGE, J.) :

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

2. Writ Petition No.13705 of 2022 and Writ Petition no.4051 of 2022, are not on board. By consent of the parties, taken on board.

3. The Petitioner in Writ Petition No.13646 of 2022, is Nilesh Ramchandra Garud. The Petitioner in Writ Petition No.1028 of 2025, is Rajendra Shankarrao Garud. The Petitioner in Writ Petition No.13705 of 2022, is Dilip Shankarrao Garud. The Petitioner in Writ Petition No.4051 of 2024, is Sonakshi Rajendra Garud.

4. All these Petitioners claim to be blood relatives from the paternal side. A typed copy of the family tree, which is on record at page no.118, is tendered across the bar. The same is taken on record and marked as 'X' for identification.

5. Nilesh, son of Ramchandra, is the biological brother of Anuradha. Rajendra, son of Mahadu, as well as Anuradha, daughter of Ramchandra, have validity certificates. Ramchandra has three biological brothers, namely, Mahadu Chintaman, Rama Chintaman and Laxman Chintaman. Rajendra, son of Mahadu, has received the validity certificate. As such, from the branch of Chintaman, his son Ramchandra, granddaughter Anuradha Ramchandra and grandson Rajendra Mahadu, have received the validity certificates.

6. Chintaman is said to have two biological brothers, namely, Narayan and Shankarrao. From the branch of Shankarrao, his son Ashok and grandchildren Snehal Ashok and Aditya Ashok, all three have validity certificates.

7. The Petitioner Rajendra Shankarrao, is the biological brother of Ashok. Shankarrao had four sons, namely, Mahendra, Ashok, Dilip and Rajendra and one daughter, namely, Saroj. Dilip, son of Shankarrao, Rajendra, son of Shankarrao and Sonakshi, daughter of Rajendra, are the other Petitioners.

8. The Committee has not disputed the relationship between these persons whom we have referred to in the foregoing paragraphs. But the Committee prays that these four Petitioners should not be granted validity certificates because Ramchandra, son of Chintaman, is said to have acquired the validity certificate on the basis of two maternal relatives, namely, Balu Bandu Khairnar and Rajendra Waman Sasane. Since Ramchandra Chintaman, got the validity certificate, Rajendra Mahadu and Anuradha Ramchandra, also got the validity certificates. The Committee has issued notice to Ramchandra Chintaman, Rajendra Mahadu and Ashok Shankarrao, for reopening their validity cases. These notices were issued in early 2022 and after a hearing in July, 2022, there has been no further hearing.

9. Insofar as the judgment of this Court (Coram : G.S. Kulkarni & Jitendra Jain, JJ.), delivered in ***Bharat Nagu Garud v/s. State of Maharashtra and Others and connected matters***¹, it was held that the Committee is not conferred with the Review jurisdiction. The invalidation, post reopening of the cases, was interfered with by this Court in *Bharat Nagu Garud* (Supra) along with *Nilima Rohidas Garud and Others*. The learned AGP submits that this judgment has been assailed by the State before the Hon'ble Supreme Court and the matter is *sub-judice*.

10. In ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti v/s. State of Maharashtra and Others***², the Hon'ble Supreme Court has concluded that if close blood relatives from the paternal side are granted validity certificates and vigilance cell enquiries have been conducted and the relationship has been proved, further vigilance cell enquiries would not be necessary in other cases, save and except, on account of specific reasons in the particular facts and circumstances of a given case. In ***Apoorva Vinay Nichale v/s. Divisional Caste Certificate Scrutiny Committee No.1 and Others***³,

1 2024(1) Mh.L.J. 647

2 2023 SCC OnLine SC 326

3 2010(6) Mh.L.J. 401

this Court concluded that when close blood relatives from the paternal side have been awarded validity certificates, the Committee cannot take a different view in relation to other claimants who are also close blood relatives of the validity holders.

11. The learned AGPs strenuously submit that when the cases have been reopened and this aspect is brought to the notice of the Court, this Court should consider granting validity certificate by imposing conditions. They cite the law laid down by this Court in *Shweta Balaji Isankar v/s. State of Maharashtra and Others*⁴.

12. In view of the above, **these Petitions are partly allowed.**

13. The impugned orders dated 28th March, 2022 and 5th May, 2022 are quashed and set aside, with the following directions :

(a) These Petitioners be issued with the validity certificates of 'Koli Mahadev', within a period of 30 days from today;

(b) By applying the law laid down in *Shweta Balaji Isankar* (Supra), we hold that if any validity holder, whose case has been reopened by the

4 2018 SCC OnLine Bom 10363

Committee, suffers invalidation after such reopening, the consequences suffered by the said candidate would befall upon these Petitioners, who are being granted conditional validity certificates by this Court having relied upon their validity certificates.

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

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)