

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

WRIT PETITION NO.7700 OF 2024

Raghuveer Sanjay Atak ... Petitioner
V/s.
The Sate of Maharashtra,
Through its Principal Secretary,
Tribal Development Department and ors. ... Respondents

AND

WRIT PETITION NO.15487 OF 2024

Sahil Shashank Atak ... Petitioner
V/s.
The Sate of Maharashtra
Through its Principal Secretary,
Tribal Development Department and ors. ... Respondents

Mr. S. S. Panchpor with Ms. N. S. Mahadik, Advocates for the
Petitioners.
Ms. Reena Salunkhe, AGP for the State in WP No.7700 of 2024.
Mr. S. H. Kalel, AGP for the State in WP No.15487 of 2024.

**CORAM : NITIN W. SAMBRE &
ASHWIN D. BHOBE, JJ.
DATE : 22nd JANUARY, 2025.**

P.C. :

1. The two blood relations viz. Dattaprasad Radhoba Atak and
Manoj Gunaji Atak are holding validity.

2. Apart from above, the order impugned reflects that the pre-scheduled tribe order, entries are noticed in the certificates produced by the Petitioner in support of grant of right to aid reflecting the caste “Thakar” either pre-suffixed or added words as “Hindu” or “Magaslela” sensitive to the fact that Court cannot read down and interpret an entry made in the document, however, we are equally required to be sensitive to the fact that pre-suffixed or added word such as “Hindu” reflects the religion and not the caste. Similarly, the word “Magaslela” if translated would be inferred to as belonging to backward class.

3. In addition to above, it has to be noted that the “Magaslela” is not the caste notified anywhere in any of the orders including that scheduled caste or scheduled tribe orders issued under the provisions of constitution.

4. The fact that the proceedings in relation to the cancellation of validity granted in favour of Dattaprasad and Manoj are though were initiated, the counsel for the Respondent-Committee is handicapped in submitting the status of said proceedings.

5. In view of law laid down by the Division Bench of this Court in

the matter of *Apoorva Vinay Nichale Vs. Divisional Caster Certificate Scrutiny Committee No.1 and anr*¹, it is settled proposition of law that once a validity is granted in favour of the blood relations, the said cannot be discarded or rather can be formed to be desist on issuance of validity in relation to other blood relations.

6. In that view of the matter, the validity issued in favour of blood relations referred above namely Manoj and Dattaprasad unless cancelled, holds good and valid.

7. However, since the learned APP seeks time to make this Court aware about the status of cancellation including that of production of original record, we deem it fit to defer the hearing by four weeks.

8. Stand over to 20th February, 2025, as a last chance.

9. Interim order, if any, to continue till then.

(ASHWIN D. BHOBE, J.)

(NITIN W. SAMBRE, J.)

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1 Law (Bom)-210-7-184 decided on 27th July, 2010.