

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

WRIT PETITION NO. 14446 OF 2024

Mayur s/o. Maruti Gaikwad,
Age – 32 years, R/o At & Post- Bhivadi,
Tq. Purandar, Dist. Pune ... Petitioner

Versus

1. The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai- 32,
Through its Secretary.
2. The Scheduled Tribe Certificate
Scrutiny Committee,
Pune Division, 5th Floor,
C- Wing, Kapil Towers,
Near RTO Office, Pune,
Through its Member Secretary.

(Copies for the Respondents No. 1 & 2
to be served on the Government Pleader,
High Court of Judicature at Bombay)

3. The Deputy Commissioner,
(Administration),
Pune Municipal Corporation,
Pune, Tq. & Dist. Pune ... Respondents

Mr.S.Y. Jinturkar for the Petitioner.
Mr.B.V.Samant, Addl.GP with Ms.Pooja Joshi Deshpande, AGP for
Respondent Nos. 1 and 2, State.
Ms.Rupali Andhare, (Law Officer) Respondent No.2 is present.

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

DATE : 20th February, 2025

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

1. **Rule.** Rule made returnable forthwith and heard finally with the consent of the parties.
2. The issue raised by the Petitioner before this Court is with regard to the rejection of his claim of belonging to the 'Thakar' Scheduled Tribe category by the Respondent No.2 Committee, on 22nd August, 2024.
3. We have heard the strenuous submissions of the learned Advocate for the Petitioner and the learned Addl. GP. With their assistance, we have gone through the Petition paper-book.
4. At page 42 is an extensive genealogy from the paternal side, tendered by the Petitioner. The oldest person (मुळ पुरुष) is said to be Ganoji Gaikwad. Ganoji is said to have two sons, Kusaji Ganoji Gaikwad and Bapuji Ganoji Gaikwad. The old entries available are like, (a) the document dated 13th March, 1883 in relation to Sidu, son of Kusaji Gaikwad, (b) dated 1st March, 1872 in relation to Ranu Kusaji Gaikwad, and (c) dated 15th November, 1913 in relation to the daughter of Rama Kusaji Gaikwad (name not mentioned).

5. We are informed that several relatives from his paternal side, as stated hereunder, have been granted validity certificates :-

(a) Saurabh and Shraddha are siblings. They have validity certificates. They are children of Ganesh, grandchildren of Gulab Shankar, great grandchildren of Shankar Janu and great great grandchildren of Janu Kusaji Gaikwad;

(b) Kusaji Gaikwad has several children like Rama, Sidu, Bajju, Ranu, Janu and Tukaram;

(c) The genealogy from the branch of Bapuji Ganoji Gaikwad indicates one son Vithu Bapuji Gaikwad, who had two sons, Shankar and Baburao;

(d) Sheetal, daughter of Bajrang Gaikwad and granddaughter of Shankar Vithu Gaikwad, has the validity certificate. Her biological brother Ashish has been granted validity certificate by the High Court;

(e) Shankar's biological brother, Baburao Vithu Gaikwad is shown to have one son Janardan, who had two sons Ajit and Abhijeet. Anurag, son of Ajit, was granted an order for a rehearing by the High Court and he now has a validity certificate. His biological sister Aishwarya, daughter of Ajit, also has the validity certificate. Ajit also has the validity certificate;

(f) The biological brother of Ajit, namely, Abhijeet was granted validity certificate by the High Court. His son Rushikesh also has the validity certificate;

(h) Sheetal, daughter of Bajrang, and Ajit, son of Janardan, were issued show cause notices, which were subsequently withdrawn by the Committee.

6. It appears from the record and the learned Advocate for the Petitioner also submits that the relationship between the Petitioner and these paternal blood relatives, has not been tested, in the sense that, the Petitioner also did not make efforts to prove the relationship and the Committee has also not concluded that they are not his relatives.

7. It is in view of the above, that the learned Advocate for the Petitioner submits, on instructions, that the case of the Petitioner be remanded to the Competent Committee to enable him to bring evidence before the Committee to prove his relations with the validity holders.

8. Hence, **this Writ Petition is partly allowed.** The

impugned order dated 22nd August, 2024 is quashed and set aside and the said case is remitted to the Office of Respondent No.2, the Committee.

9. The Petitioner tenders his email address for easy correspondence between him and the Committee, which is as under :

Email address :- mayurgaikwad9491@gmail.com

10. The Committee would enter into correspondence with the Petitioner on the above mentioned email address. The Petitioner would lead evidence to prove the relationship between the Petitioner and the validity holders before the Committee. If such relations are proved, the law laid down by the Hon'ble Supreme Court in the case of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and others*, AIR 2023 SC 1657 and the Division Bench of this Court in the case of *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur*, [2010(6) Mh.L.J.401 : AIR 2010(6) Bom.R.21], would become applicable.

11. Let the above exercise be completed, within a period of four months from today.

12. If the claim of the Petitioner is not accepted on such genealogy or on other grounds (on which the claim was invalidated vide the impugned judgment), we grant liberty to the Petitioner to assail the said order and all contentions on all grounds are kept open.

13. The Petitioner was to be appointed on compassionate basis and by an interim order dated 9th December, 2024, this Court has directed that the post, which has become vacant on account of the passing away of his father, shall be kept vacant until the Committee decides his claim. We are continuing the said order dated 9th December, 2024 until his claim is decided.

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

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)