

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

WRIT PETITION NO.2070 OF 2025

1. Atharv S/o Sharad Thakur, Age- 19
years, Occu. Student, R/o At &
Post- Halval Tq. Kankavli,
Dist. Sindhudurg.

2. Amruta D/o Rajan Thakur,
Age-17 years (Minor), Occu. Student,
Through her natural guardian father,
viz Rajan Krushna Thakur, Age-50 years,
Occu. Service, R/o At & Post-
Halval, Tq. Kankavli, Dist. Sindhudurg.

3. Ankita d/o Mangesh Thakur, Age-22
years, Occu. Student, R/o at & Post- Halval,
Tq. Kankavli, Dist. Sindhudurg.

.....Petitioners

Vs.

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, Through its Member Secretary.

(Copies for both the Respondents to
be served on the Government Pleader,
High Court of Judicature at Bombay)Respondents

Mr. Sushant Y. Jinturkar for the Petitioner.

Mr. A. K. Naik, AGP for the State.

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

DATE : 18th FEBRUARY, 2025

P.C. :-

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

2. The Petitioners have put forth prayer Clauses (b) and
(c), as under:-

*“(B) To quash and set aside the impugned decision and order dated 9.10.2024 passed by the Respondent No.2- Committee invalidating the Tribe claims of the Petitioners as belonging to ‘Thakar-Scheduled Tribe’ (**Exhibit-G**) by issuing appropriate writ, orders, or directions as the case may be;*

(C) To hold and declare that Petitioners belonging to ‘Thakar- Scheduled Tribe’ and direct the Respondent No.2- Committee to issue the Certificates of Validity certifying that the Petitioners belong to ‘Thakar-Scheduled Tribe’ by issuing appropriate writ, orders, or directions as the case may be;”

3. We have considered the submissions of the learned Advocate for the Petitioners and the learned AGP who has vehemently opposed this petition on the ground that the reasons assigned in the Impugned order for rejecting the claim of the Petitioners, are justified and sustainable. Contention is that some of the entries are of Maratha and there are interpolations.

4. No doubt, the learned AGP is vehemently opposing this petition. However, the core issue is that, when Akshaya, the biological sister of Petitioner No.1, Atharv, and Sharad, the biological father of Akshaya and Petitioner No.1, have been granted Validity Certificates, can Atharv be denied the same status.

5. We have perused the genealogy tree, which indicates details originating from the great grand-father Babu Govind Thakar. Babu had six children, out of which, five are sons and one is a daughter. Sakharam alias Daji, Narayan, Sitaram, Appa and Tukaram, are biological brothers and Janabai, is the biological sister.

6. We are concerned with the family genealogy from the

lineage of Narayan and Sitaram. Sanjay, son of Krushna and grand-son of Narayan, has been granted a Validity Certificate by the Committee. Sanjay had two biological brothers namely, Mangesh and Rajan and one biological sister namely, Nanda. Petitioner No.2 Amruta is the biological daughter of Rajan. Petitioner No.3 Ankita is the biological daughter of Mangesh. As noted above, Mangesh and Rajan are biological brothers of Sanjay, who has the validity. From the lineage of Sitaram, Sandeep, deceased son of Mohan and grand-son of Sitaram, has been granted Validity Certificate by the High Court. Sandeep had one biological brother namely, Sachin and two biological sisters namely, Sushma and Savita. Uday son of Sachin, has received a Validity Certificate.

7. The above blood relations from the paternal side, are not disputed. The Committee's conclusion is that there are some entries indicating the status as Maratha and there are some interpolations. We find that the law laid down in *Apoorva d/o Vinay Nichale Vs. Divisional Caste Scrutiny Committee No.1 Nagpur* reported in (2010) 6 Mh.L.J. 401, would apply in the light of Sharad, Akshaya, Sanjay, Sandeep and Uday, having received Validity Certificates.

8. The Hon'ble Supreme Court has concluded in *Maharashtra Adiwasī Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and others* reported in 2023 SCC OnLine SC 326, that if the relationship amongst the claimants and the validity holders, from the paternal side, is not disputed, such claimants will have to be granted the Validity Certificates.

9. The learned AGP submits on instructions that none of the cases of the validity holders, have been re-opened on the ground of interpolation or adverse entries. The learned Advocate for the Petitioners submits that the oldest entry available is of the year 1917, in relation to Sakharam alias Daji, which indicated his status as Thakar.

10. In view of the above and as none of the cases of the validity holders have been reopened, we are not referring to *Shweta Balaji Isankar Vs. The State of Maharashtra and Ors.* reported in 2018 SCC OnLine Bom 1036.

11. Consequentially, **this Writ Petition is allowed** in terms

of prayer clauses (b) and (c). Let the Validity Certificates be issued to these three Petitioners, within a period of 30 days from today.

12. Rule is made absolute in the above terms.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)