

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2135 OF 2025

Priyanka d/o Anil Rajwade
Age : 35 Years, Occ.: Housewife,
R/o 238/3/1, Ganraj, B/H Gajanan
Maharaj Mandir, Vrundavan Nagar,
Dindori Road, Nashik, Tq. & Dist. Nashik ...Petitioner

Versus

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

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Mr. Sahil Choudhari h/f Mr. Sushant Yeramwar, Thr. V.C., Advocate
for the Petitioner.

Mr. Birendra Saraf, Advocate General a/w Mr. A.C. Bhadang, AGP
for the Respondent/State.

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

DATE : 4th MARCH, 2025

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

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

2. The Petitioner has put forth Prayer Clauses (B) and (C), as under :-

(B) To quash and set aside the impugned decision and order dated 17.04.2023 passed by the Respondent No.2- Committee invalidating Tribe Claim of the Petitioners as belonging to 'Thakur – Scheduled Tribe' in Case No.3/516/Edu/062021/233149 (Exhibit-M) which is served to the Petitioner by hand delivery on 13.1.2025; by issuing appropriate writ, orders, or directions as the case may be;

(C) To hold and declare that Petitioner belongs to 'Thakur – Scheduled Tribe' and direct the Respondent No.2 – Committee to issue Certificate of Validity in favour of the Petitioner as belonging to 'Thakur – Scheduled Tribe' by issuing appropriate writ, orders, or directions as the case may be;”

3. After extensive submissions canvassed by the Petitioner as well as the learned AGP, we find this to be an open-and-shut case. The Petitioner has tendered an extensive family tree (genealogy) with colour codes along with a compilation (23 Pages). The said compilation is collectively marked as **'X'** for identification. Page

Nos. 1 to 22 are the various orders/Judgments delivered by this Court pertaining to the grant of validity certificates to the paternal relatives of the present Petitioner. Page No.23, is the family tree.

4. There is no dispute that there are, in all, 28 validity holders from amongst the paternal blood relatives of the present Petitioner. Out of these 28 validity holders, 8 of have been granted validity certificates under the orders of this Court. In some cases, this Court has relied upon *Shweta Balaji Isankar V/s. The State of Maharashtra and others, 2018 SCC Online Bom. 10363*, in view of the notices for reopening of the cases in which validity certificates were granted earlier.

5. This Petition has been filed on 15th January, 2025. The impugned order of the Committee invalidating the claim of the Petitioner, is dated 17th April, 2023. However, it was served upon the Petitioner by hand delivery, on 13th January, 2025 and this is an undisputed position. On this one ground, we are inclined to impose some cost on the Committee Members, as the impugned order dated 17th April, 2023 was served on the Petitioner after almost 21 months.

6. The learned Advocate General submits that since notices are issued in some cases, the law laid down in *Shweta Balaji Isankar (Supra)*, should be made applicable.

7. In the light of the above and in the backdrop of 28 validity certificates in favour of close paternal relatives, the law laid down in *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti V/s. The State of Maharashtra and others, AIR 2023 SC 1657* and *Apoorva d/o Vinay Nichale V/s. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur, 2010(6) Mh.L.J.401*, would be applicable to this case.

8. As such, this **Writ Petition is partly allowed**. The impugned order is quashed and set aside, with the following directions :-

(a) The ‘Thakur Scheduled Tribe’ validity certificate be issued to the present Petitioner, within a period of 30 days from today.

(b) In the event, the Committee proceeds to hear the validity holders, who have been issued notices for reopening of their cases and if the Committee recalls the validity

certificates after following the due procedure laid down in law, the Petitioner would also suffer the same consequences, as would be suffered by such validity holders, in the light of *Shweta Balaji Isankar (Supra)*.

(c) This order shall not be construed to mean that we have restrained the Committee from hearing the cases, which are sought to be reopened by issuance of notices or have already been reopened.

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

10. For the reason that the Committee admittedly served the impugned decision upon the Petitioner after 21 months, we impose cost of Rs.5,000/- to be deposited by each of the Committee members, in this Court within a period of 30 days from today, from their salary bank accounts. By the consent of the Petitioner, the said amount shall be donated for a public cause in favour of the following :-

Bar Council of Maharashtra and Goa

Account No. : 10996711937
 Bank Name : State Bank of India
 Branch : Mumbai Main Branch
 IFSC Code : SBIN0000300

The Registry shall accordingly transfer the said amount.

11. The learned AGP would prepare a compilation of the eight orders along with the present order, that have been passed, and place the said compilation before the learned Advocate General of the State of Maharashtra.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)