

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3462 OF 2025

Swayamprabha Ulhas Pawar,
Aged : 36 years, Occupation: Student
Residing at Room no. 705, 7th floor
Tata P.G. Hostel, BARC, Chembur
Mumbai-500022.Petitioner

versus

1. The State of Maharashtra thorough its
Secretary, Medical Education and
Drugs Department Mantralaya,
Mumbai-500032.
2. Scheduled Tribe Certificate Scrutiny
Committee, Pune, Division Pune
through its Member Secretary, having
its office at 28, Queen's Garden,
Pune-411001.Respondents

Mr. R.K. Mendadkar a/w Ms. Priyanka Shaw, Advocate for the
Petitioner.

Mr. P.P. Kakade, Addl. G.P. a/w Mr. Abhijeet K. Naik, AGP for the
Respondent – State.

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

DATE : 7th 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. The Petitioner has put forth prayer clause (a) as under:

“a) that this Hon'ble Court be pleased to issue a writ of mandamus and/or any other writ, order or direction in the nature of mandamus, directing the Respondent No. 2 committee to forthwith decide tribe claim of the petitioner in accordance with law in the light of the judgement and order passed by this Hon'ble Court in writ petition no. 12858 of 2016 of decided on 24.1.2024.”

3. The Petitioner has completed her M.D. in Pathology. She is still not in employment as she is lacking a Validity Certificate. She claims to be from the Thakur Scheduled Tribe Category.

4. The learned Advocate for the Petitioner has tendered a compilation of 67 pages with an index dated 7th March, 2025. The

said compilation is taken on record and collectively marked as 'X' for identification.

5. At Page Nos.53 and 54, are two Genealogy Trees. The details of the earliest person available is Tikamdas Pawar. He had two sons, namely, Devidas and Kadu. No details about the branch of Kadu have been mentioned in the Genealogy. Both these documents are generated by the Police Inspector associated with the Vigilance Cell.

6. From the branch of Devidas, we find Mahadu as a son, Ganpat as a grandson, Sonu as a great grandson and Dilip as a great great grandson. The daughter of Dilip, namely, Mangala is said to have a Validity Certificate. Dilip had one more daughter Sarojni and one son Ulhas. Ulhas has two daughters Vedvati and Swyamprabha (present Petitioner) and a son Dhananjay. Dilip in the family tree at Page No.53, is said to have four brothers and one sister. The brothers are Pandharinath, Nivruttinath, Ambarnath and Meennath. The sister is Shantabai. Abhishek, son of Ambarnath, also has a Validity Certificate.

7. The Validity Certificate of Mangala is dated 6th December, 2005 and the one issued to Abhishek is dated 10th April, 2001.

8. The learned AGP submits that the relationship of the present Petitioner with Mangala and Abhishek, on the basis of the available records today, is not disputed.

9. In *Maharashtra Adiwasī Thakur Jamat Swarakshan Samiti versus State of Maharashtra and Others*,¹ the Hon'ble Supreme Court has concluded that a claimant should be given the opportunity to prove the relationship with the validity holders from the paternal side. The onus and burden lies on the claimant to prove such relationship. The Vigilance Cell or the Committee can establish to the contrary. It is in these peculiar circumstances that we are directing the Committee to look into this aspect as well, since the proposal of the Petitioner is still pending adjudication.

10. In view of the above, **this Petition is disposed off** with the following directions:

- (a) The Committee shall endeavour to decide the claim of the Petitioner, on or before 15th July, 2025.

(b) For easy correspondence, the Petitioner tenders an e-mail address and whatsapp number as under:

E-mail Address : swayampawar88@gmail.com

Whatsapp No. : 8928077564

(c) The Committee would enter into correspondence with the Petitioner on the aforesaid address and/or cell number.

(d) The Petitioner would render whole hearted co-operation and would refrain from seeking adjournments on unnecessary and trivial grounds.

(e) The Petitioner shall prove her relationship with the validity holders.

(f) If the Petitioner's relationship with the validity holders is established before the Committee, the law laid down in ***Apoorva D/O Vinay Nichale versus Divisional Caste Certificate Scrutiny Committee No.1 and Others,¹*** shall be followed by the Committee.

(g) If the Committee is of the view that the Petitioner is not

¹ 2010 SCC OnLine Bom 1053

related to the validity holders, a reasoned order based on the evidence available shall be passed and the Petitioner would be at liberty to assail the same by availing of a remedy as is permissible in law.

11. Rule is discharged in the light of the above.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)