



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO. 2319 OF 2013
WITH
CIVIL APPLICATION NO.2115 OF 2025**

1. Nishikant Dnyaneshwar Vishwe
Age : 27 years, Occu.Student,
R/o, Padhegaon, Tq.Shrirampur,
Presently residing at RBI colony,
F11/3, Sector 7, CBD Belapur,
Navi Mumbai.

...Petitioner

VERSUS

The State Of Maharashtra And **Others**
Department of Tribal Development,
Mantralaya,Mumbai-32
Through Its Secretary

...Respondents

Advocate for Petitioner : Mr.Anil S. Golegaonkar
AGP for Respondent/State : Mr.P.K. Lakhotiya

**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

DATE : 08th JANUARY 2026

FINAL ORDER : (PER :ABASAHEB D. SHINDE, J.)

. Heard.

2. By the present Writ Petition, the petitioner is taking an exception to the order dated 03.08.2012 passed by the

respondent No.2/Tribe Scrutiny Committee thereby invalidating the tribe claim of the petitioner of belonging to 'Thakur' Scheduled Tribe.

3. Learned counsel for the petitioner submits that the Tribe Scrutiny Committee committed an error by rejecting the tribe claim of the petitioner of belonging to 'Thakur' Scheduled Tribe despite, there being sufficient material on record including the validity certificate issued in favour of his cousin brother viz. Ranjak son of Babasaheb Vishwe dated 15.04.2005 issued by the Tribe Scrutiny Committee itself. To substantiate the relationship of the petitioner with the said validity holder Ranjak, the learned counsel for the petitioner invited our attention to the genealogy to show that, Namdev has four sons viz. Prabhakar, Babasaheb, Dnyaneshwar and Ganpat. He would submit that the petitioner is son of Dnyaneshwar whereas, said validity holder Ranjak is son of Babasaheb and being a cousin brother of validity holder, the Caste Scrutiny Committee ought to have granted validity certificate to the petitioner.

4. Learned counsel for the petitioner has invited our

attention to the documents annexed with the Civil Application and submits that one Padmakar Babasaheb Vishwe who, is cousin brother of the petitioner has also been granted validity by this Court by an order dated 16.03.2017 in **Writ Petition No.15 of 2009**. Learned counsel for the petitioner has also relied upon the affidavit filed by one-Sangita Babasaheb Vishwe to submit that, the genealogy alongwith her affidavit would depict that said Padmakar, Sangita and Ranjak are cousin brothers of the petitioner and since, all of them have been granted validites, the petitioner deserves to be granted the validity certificate of belonging to 'Thakur' Scheduled Tribe.

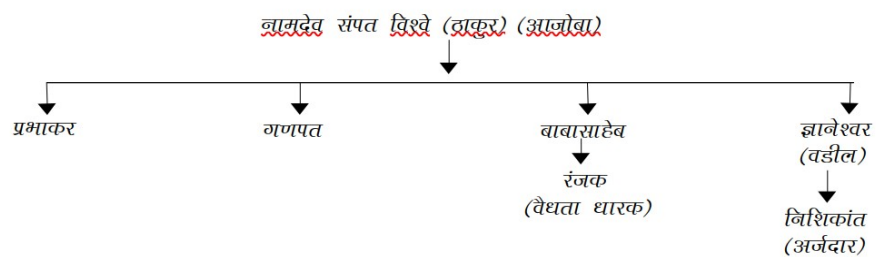
5. Learned counsel for the petitioner would further submit that, even from the said genealogy it could be seen that another uncle of petitioner viz. Ganpat who is having three children viz. Sonali, Pravin and Nilesh. Out of them, Pravin and Nilesh had filed **Writ Petition No.6397 of 2007** challenging the order of invalidation of their caste claims and the matter had reached upto the Hon'ble Apex Court and after the matter being remanded back to this Court, this Court by

judgment and order dated 11.12.2014 allowed the said Writ Petition filed by Pravin and Nilesh (supra) thereby, remanding the matter back to the Tribe Scrutiny Committee and Tribe Scrutiny Committee on 30.03.2015 and 06.04.2015 respectively has issued caste validity certificates in their favour and this according to learned counsel for the petitioner is one more facet that supports the case of petitioner. Learned counsel for the petitioner therefore, relying on the validities granted in favour of Padmakar, Pravin and Nilesh would submit that, petitioner deserves to be granted validity.

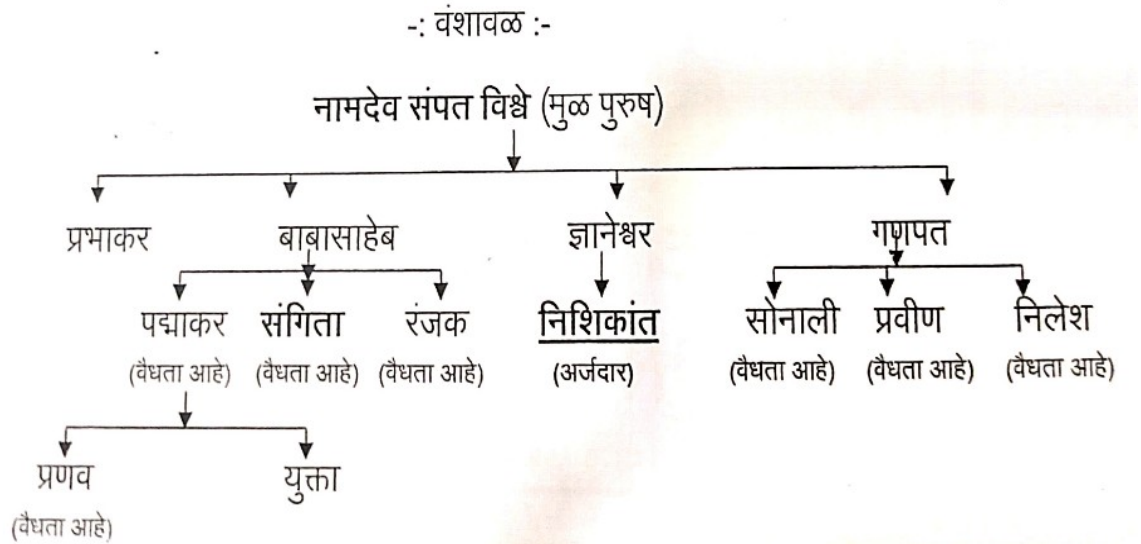
6. *Per contra*, learned AGP would submit that, the genealogy produced by the petitioner before Tribe Scrutiny Committee shows that said Padmakar, Pravin and Nilesh do not find place in the said genealogy and unless, the petitioner establish his relationship with the said validity holders, the validity certificate in favour of the petitioner can not be granted. Learned AGP would further submit that, the order passed by this Court in the case of Padmakar (supra) which is relied upon by the petitioner, has been passed post invalidation of the tribe claim of the petitioner. He would

further submit that so far as the genealogy relied upon by the petitioner alongwith the affidavit filed by one Sangita Babasaheb Vishwe alongwith by way of Civil Application, though shows that the petitioner is cousin brother of the said validity holders however, unless, the relationship of the petitioner alongwith those validity holders is established, the petitioner cannot derive the benefit of said validities. Learned AGP therefore, submits that, unless the petitioner establishes his relationship with those validity holders before the Tribe Scrutiny Committee and unless the same is scrutinized by the Tribe Scrutiny Committee, the petitioner cannot claim that he is entitled for the tribe validity certificate.

7. After having heard the learned counsel for the petitioner as well as learned AGP for the State and the Caste Scrutiny Committee, we find that the genealogy filed by the petitioner before the Caste Scrutiny Committee is as below :



8. From the said genealogy, it could be seen that the other validity holders on the basis of which the petitioner is claiming validity are not shown in the said genealogy. The petitioner is relying on affidavit filed by one Sangita Babasaheb Vishwe claiming to be a cousin sister of the petitioner. The petitioner alongwith Civil Application has placed the said genealogy on record which is as follows :



9. We find that unless the relationship of the petitioner pursuant to said genealogy relied upon by the petitioner alongwith affidavit of one Sangita Babasaheb Vishwe is duly scrutinized and considered by the Tribe Scrutiny Committee, it cannot be presumed that, the petitioner has established his relationship with those validity holders. Besides the said

validity holder Ranjak Babasaheb Vishwe, the petitioner has to establish his relationship with Pravin Ganpat Vishwe, Nilesh Ganpat Vishwe and Sangita Babasaheb Vishwe which can only be ascertained by the Tribe Scrutiny Committee. The said validity certificates and the genealogy has been placed for the first time before this Court alongwith Civil Application. Therefore, it would not be possible for this Court to delve into these documents as those pertains to post decision of petitioner's Tribe claim. Therefore, we are inclined to allow the Writ Petition partly by remanding the matter back to the Tribe Scrutiny Committee thereby granting an opportunity to the petitioner to establish his relationship pursuant to the genealogy and other material relied upon by the petitioner alongwith Civil Application. We, therefore, pass the following order :

ORDER

- A) The Writ Petition is partly allowed.
- B) The impugned judgment and order dated 03.08.2012 passed by the respondent No.2/Tribe Certificate Scrutiny Committee,

Nashik Division Nashik is hereby quashed and set-aside.

C) The matter is remanded back to the respondent No.2/Tribe Certificate Scrutiny Committee for fresh consideration so as to enable the petitioner to establish his relationship with the validity holders on which the petitioner is relying upon.

D) Needless to state that the respondent/Tribe Certificate Scrutiny Committee will decide the said tribe claim in accordance with law by giving sufficient opportunity of hearing to the petitioner.

E) In peculiar facts and circumstances, the respondent No.2/Tribe Certificate Scrutiny Committee, Nashik Division Nashik is directed to decide the said proceedings of tribe claim within a period of two months from today.

F) By virtue of disposal of Writ Petition, the Civil Application stands disposed of.

(ABASAHEB D. SHINDE, J.) (SANDIPKUMAR C. MORE , J.)

vsj..