IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10719 OF 2018

Tanmay Mahesh Gaikwad]
aged 18 years, Occupation : Student]
Residing at Kegaon, Taluka North]
Solapur, District-Solapur].....Petitioner

Versus

1. State of Maharashtra]
through its Secretary,]
Tribal Development Department,]
Mantralaya, Mumbai-400 032.]
]
2. Scheduled Tribe Certificate Scrutiny]
Committee, Pune Division, Pune]
through its Member Secretary,]
having its Office at Kapil Towers,]
Near RTO Office, Pune-411 001,]
District-Pune.]
]
3. Indian Institute of Technology]
through its Registrar,]
having its office at Powai, Mumbai].....Respondents

.....

Adv. R. K. Mendadkar a/w Mr. Siddhant Sawai and Mr. Jagdish Kewale, for the Petitioner.

Mr. N. C. Walimbe, Addl. G. P. a/w Smt. Gauri R. Raghuwanshi, A.G.P., for the Respondent-State.

.....

CORAM : M. S. KARNIK &
SANDESH D. PATIL, JJ.

DATE : 15th OCTOBER 2026

MANISHA BALKRISHNA TALEKAR
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JUDGMENT [PER SANDESH D. PATIL, J.]

1. **Rule**. Rule made returnable forthwith and with the consent of the parties, the matter is taken up for final hearing. Heard learned Counsel appearing for the parties.

2. By the present Writ Petition, the Petitioner seeks quashing and setting aside of the impugned Judgment and Order dated 20th July, 2018 passed by the Respondent No.2-Scheduled Tribe Certificate Scrutiny Committee, Pune Division, Pune. (for short "the Caste Scrutiny Committee"), whereby the caste claim of the Petitioner as belonging to the 'Thakur Scheduled Tribe' was invalidated.

3. The Petitioner claims to belong to the caste 'Thakur Scheduled Tribe'. The only ground on which the caste claim of the Petitioner was invalidated was that, the Petitioner could not satisfy the affinity test.

4. Learned Counsel for the Petitioner, at the outset, submitted that the father of the Petitioner was granted Caste Validity Certificate. He relied upon the impugned Order, wherein at Page

no.30 of the Petition it is clearly mentioned at Sr. No.5 of the table which is reproduced by the Caste Scrutiny Committee that the father of the Petitioner *viz.* Mahesh Eknath Gaikwad, was granted Caste Validity Certificate dated 11th November, 2005. It is the contention of the Petitioner that the cousins of the Petitioner *viz.* Shraddha Avinash Gaikwad and another were also granted Caste Validity Certificate. He also relied upon the Judgment and Order passed by this Court [Coram : M.S. Karnik and S.M. Modak, JJ.] on 23rd February 2026 in Writ Petition No.8811 of 2017 wherein the Court was pleased to allow the Petition filed by the cousins of the Petitioner *viz.* Shraddha Avinash Gaikwad and another in which the Order passed by the Caste Scrutiny Committee was quashed and set aside.

5. Learned A.G.P. submitted that they are in the process of recalling the Order of grant of Caste Validity Certificate to the father of the Petitioner *viz.* Mahesh Eknath Gaikwad dated 11th November, 2005.

6. We have perused the impugned Order. We have also perused the documents relied upon by both the sides and heard the learned Counsel appearing for the respective parties at length.

7. It is not in dispute that the father of the Petitioner *viz.* Mahesh Eknath Gaikwad was granted Caste Validity Certificate declaring that the father of the Petitioner belongs to the 'Thakur Scheduled Tribe'. The cousin uncle of the Petitioner namely Avinash Bhanudas Gaikwad was also granted Caste Validity Certificate by the Respondent No.2-Committee on 4th August 2003. Another relative of the Petitioner *viz.* Sameer Bhanudas Gaikwad was granted Caste Validity Certificate by the Respondent No.2-Committee on 7th September 2005. There were other relatives from the paternal side of the Petitioner namely Sandeep Eknath Gaikwad and Mahesh Eknath Gaikwad who were granted Caste Validity Certificate on 8th August 2003 and 11th November 2005 respectively. The cousins of the Petitioner namely Shraddha Avinash Gaikwad was also granted the Caste Validity Certificate pursuant to the Order dated 23rd February, 2026 passed by this Court in Writ Petition No.8811 of 2017 where one of us [M.S. Karnik J.] was a Member.

8. In light of the aforesaid factual position, the impugned Order which is passed only on the basis of the affinity test does not stand the legal scrutiny and hence, has to be quashed and set aside. The

matter in hand is squarely covered by the decision of the Hon'ble Supreme Court in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti V/s. State of Maharashtra and Ors.***[1] and judgment of this Court in ***Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Ors.***[2]

9. In these premises, we are of the opinion that since the close blood relative of the Petitioner have already been granted the Caste Validity Certificate which are valid and subsisting as on today, the present Petition needs to be allowed and the impugned Order needs to be quashed and set aside. Hence, the following Order:

ORDER

(i) Writ Petition No.10719 of 2018 is allowed.

(ii) The impugned Order dated 20th July, 2018 passed by the Respondent No.2-Scheduled Tribe Certificate Scrutiny Committee, Pune Division, Pune is quashed and set aside.

(iii) The Respondent No.2 is directed to issue a Caste Validity Certificate in favour of the Petitioner as belonging to the

1 (2023) 16 SCC 415
2 2010 SCC OnLine Bom 1053

'Thakur Scheduled Tribe' within a period of six weeks from the date of communication of this order.

10. Rule is made absolute in the aforesaid terms.

11. There shall be no order as to costs.

12. In view of the above, Writ Petition No.10719 of 2018 stands disposed of.

(SANDESH D. PATIL, J.) (M. S. KARNIK, J.)