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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1089 OF 2025

Bhavesh Sadashiv Thakur
Aged 23 years
Occupation : Student
Residing at 2/7 Pandit Bhayya Chawl,
Sainath Nagar Road,
Behind Ganesh Mandir,
Ganesh Nagar, Ghatkopar (West)
Mumbai – 400 086.

... Petitioner

Versus

1. State of Maharashtra
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 400 032.

2. Scheduled Tribe Certificate Scrutiny Committee,
Konkan Division, Thane through its Member Secretary
having its office at MTNL Building, 6th floor,
Near Ganesh Talkies, Charai, Dist. Thane.

3. State Common Entrance Test Cell
8th floor, New Excelsion Building,
A.K. Nayak Marg, Fort, Mumbai

4. L.N.Welingkar Institute of Management
Development & Research through its Principal
having its office at Matunga, Mumbai

... Respondents

Mr.R.K. Mendadkar a/w Ms.Priyanka Shaw, for the Petitioner.
Mr B.V. Samant, Addl. GP a/w Smt.VS.Nimbalkar, AGP, for the Respondent-
State.
Mr. Dipak T. Shigam, Law Officer, (Thane) present.

CORAM : M. S. KARNIK AND
S. M. MODAK, JJ.
DATED : 27th JANUARY, 2026

ORAL JUDGMENT (PER M.S.KARNIK, J.) :

1. Heard learned counsel for the Petitioner and learned Additional Government Pleader.
2. The challenge in this Petition is to the impugned order passed by the Respondent No.2- Scheduled Tribe Certificate Scrutiny Committee (for short 'Scrutiny Committee') invalidating the caste claim of the Petitioner as belonging to 'Thakar, Scheduled Tribe'.
3. There is no dispute that the Petitioner's father has been issued with certificate of validity as belonging to 'Thakar, Scheduled Tribe' on 24/02/2020. The fact that Sadashiv Bhagwant Thakur is the Petitioner's father is not in dispute. Further it is not in dispute that certificate of validity issued to his father is a genuine document. Moreover, it is also not in dispute that the said certificate has been issued after due enquiry and following the procedure laid down by the then Scrutiny Committee.
4. This Court in the case of **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others¹** in paragraph 4 observed thus :

¹ 2010 (6) Mh.L.J. 401

“We have considered the matter and we are of the view that the petitioner's caste claim that she belongs to Kanjar Bhat- Nomadic Tribe ought to have been accepted by the Committee merely on the basis that identical caste claim of her sister that she belongs to Kanjar Bhat has been allowed by the Committee, even apart from the Government Resolution. We are of the opinion that the guidelines provided by the said Govt. Resolution are sound and based on sound principles. It would indeed be chaotic otherwise. If the relationship by blood is established or not doubted, and one such relative has been confirmed as belonging to a particular caste, there is no reason why public time or money should be spent in the committee testing the same evidence and making the same conclusion unless of course the Committee finds on the evidence that the validity of the certificate of such relation has been obtained by fraud. “

5. Further, in our opinion, the Petitioner's case is squarely covered by the decision of the Hon'ble Supreme Court in the case of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and ors.**² wherein it is laid down that following essential three requisites have to be kept in mind before issuing certificate of validity.

- (i) The applicant must establish a clear and specific relationship with the person in whose favour the validity certificate has been issued;
- (ii) The Scrutiny Committee must verify whether the validity certificate was granted to the applicant's blood relative after due enquiry and in accordance with prescribed procedure; and
- (iii) The Scrutiny Committee must ascertain the genuineness of the validity certificate relied upon.

² (2023) 16 SCC 415

6. No doubt, learned Additional Government Pleader invited our attention to the impugned order and argued in support of the impugned order while opposing this Petition. It is the submission of learned Additional Government Pleader on instructions that show cause notice has been issued to the Petitioner's father for withdrawal/cancellation certificate of validity on various grounds and the said adjudication on such show cause notice is pending. It is therefore submitted that the present Petition be dismissed.

7. Merely because a show cause notice is issued to the Petitioner's father is no ground to deny relief to the Petitioner. In the light of the law laid down by the Supreme Court in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti** (*supra*), in our considered opinion, the Petitioner being a close blood relative of Sadashiv Bhagwant Thakur who has been issued certificate of validity, even the Petitioner is entitled to have his claim as belonging to Thakar, Scheduled Tribe validated. The present order is passed on the basis of certificate of validity that has been issued to the Petitioner's father and his uncle who is a close blood relative.

8. Needless to mention that the certificate of validity which will be issued to the Petitioner based on the order passed by us today, is subject to the outcome of the adjudication of the show cause notice which has been issued to the Petitioner's father for withdrawal/cancellation of the

certificate of validity issued to him. In case, the certificate of validity issued to the Petitioner's father is withdrawn/cancelled, the same consequences, insofar as the Petitioner is concerned, will obviously follow.

9. Keeping all contentions open to be raised by the Petitioner's father in the show cause notice issued, the present Petition is allowed.

10. The impugned order is set aside.

11. The Scrutiny Committee is directed to issue a certificate of validity to the Petitioner as belonging to Thakar, Scheduled Tribe within a period of 6 weeks from the date of communication of this order.

12. Respondent No.2 to take necessary action on the basis of the order passed by us now that the Petitioner's caste claim stands validated as belonging to Thaker, Scheduled Tribe.

13. The Writ Petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)