

P.H. Jayani

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.17001 OF 2024

Kirti d/o. Mohan Shinde,
Age : 39 years, Occ. Housewife,
R/o At & Post – Bhivadi (Shinde Vasti),
Tq. Purandar, Dist. Pune ...Petitioner

Versus

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai – 32.
Through its Secretary.

2. The Scheduled Tribe Certificate Scrutiny
Committee, Pune Division,
5th Floor, C-Wing, Kapil Towers,
Near RTO Office, Pune. ...Respondents
Through its Member Secretary.

Mr. Sushant Yeramwar, for the Petitioner.
Mr. N.C. Walimbe, AGP for the Respondent – State.

CORAM: SUMAN SHYAM &
SHYAM C. CHANDAK, JJ.

RESERVED ON :- 04th MARCH, 2026
PRONOUNCED ON :- 29th APRIL, 2026

JUDGMENT : (PER : SHYAM C. CHANDAK, J.)

1. Present Petition filed under Article 226 of the Constitution of India, impugning the decision and Order dated 3rd October, 2024 passed by Respondent No.2 – the Scheduled Tribe Certificate Scrutiny Committee, Pune Division, Pune (“the Committee”)

thereby invalidating the claim of the Petitioner that, she belongs to 'Thakar-Scheduled Tribe'.

2. Rule. Rule made returnable forthwith. Heard finally with consent of the parties.

3. Heard Mr. Yeramwar, learned counsel for the Petitioner and Mr. Walimbe, learned AGP for the Respondent – State.

4. Mr. Yeramwar, learned counsel for Petitioner submitted that, the Petitioner had obtained a Caste Certificate dated 1st December, 1997 from Sub-Divisional Officer, Pune Division, Pune. Said certificate was referred to the Committee for verification along with necessary documentary evidence. In turn, the Committee referred the matter to the Vigilance Officer for enquiry. The Vigilance Cell submitted its Report dated 18th May, 2006. Based on the said Report, a 'Show Cause Notice' dated 15th June, 2006 was issued to the Petitioner to which the Petitioner filed her reply dated 23rd July, 2006 thereby negating the objections raised in the Report of the Vigilance Officer. Thereafter, the Petitioner submitted her Application dated 14th January 2020, enclosing documentary evidence since 1921 along with detailed genealogy of her family with a request to the Committee to consider the same while deciding her claim that she belongs to 'Thakar-Scheduled Tribe'. The Caste Certificate of the Petitioner was not in 'Form C'. Therefore, by Order dated 23rd June 2021, the Committee disposed of the matter on that count, but, keeping the case open on merit, directed to submit fresh proposal along with the Caste Certificate in a proper format. Pursuant to the Order dated 23rd June 2021, the Petitioner obtained a fresh Caste Certificate dated

3rd August 2023, in requisite form 'C', whereby, the Sub Divisional Officer Purandar had certified that the Petitioner belongs to "Thakar-Scheduled Caste".

5. Mr. Yeramwar submitted that, in this background, a fresh proposal was sent to Respondent No.2 for verification of the tribe claim of the Petitioner. Alongwith this proposal, the Petitioner had also enclosed the documentary evidence since 1871 and the certificates of validity issued in favour of her five paternal side relatives including of her real brother namely Harish Mohan Shinde. The documentary evidence of the birth and death record since 1871 was in *Modi* script. Therefore, its translated version, along with affidavit of the translator, were attached. The birth and death record since 1871 shows the social status of the Petitioner as 'Thakar'. Thereafter, the Committee referred the matter to the Vigilance Cell for enquiry. After conducting the vigilance enquiry, the Vigilance Cell submitted its report dated 30th May, 2024 based on which, again a 'Show Cause Notice' dated 3rd June, 2024 was issued to the Petitioner to which she filed her reply dated 6th June, 2024 dealing with the objections and raising her contentions. Thereafter, the parties were heard and the impugned decision and Order was passed.

6. Mr. Yeramwar submitted that the documentary evidence produced by the Petitioner has proved that she belongs to "Thakar Scheduled Tribe". Since the caste validity certificate was already issued in favour of the Petitioner's brother, therefore, the Committee should not have declined to validate the caste claim of the Petitioner. As such, the impugned decision and Order is illegal.

7. Mr. Walimbe, learned APP, on the other hand, submitted that the school/birth/death entries in the Tahsil records of the blood relatives and forefathers of the Petitioner mention their caste as 'Marathe', 'Maratha', 'Hindu Thakar', 'Hindu Maratha' and 'Kunbhi'. The Petitioner has suppressed the fact of invalidation of the caste claim of her second cousin Subhash Shinde. The last name of the blood relatives of the Petitioner are different. In this background, the Committee rejected the caste claim of the Petitioner which is not erroneous. Thus, Mr. Walimbe has supported the impugned decision and Order.

8. We have considered these submissions and carefully perused the record including the impugned decision and Order.

9. The Committee observed that in the school and revenue entries of the blood relatives of the Petitioner prior to and post 1950, their caste was mentioned as Hindu Maratha; Maratha; Kunbi; Hindu Maratha Thakar; Hindu Thakar and Marathe. Thus, said entries were inconsistent with the caste claim of the Petitioner. The Petitioner has not disputed the genuineness of said entries nor explained the inconsistency. In the school entry dated 06.09.1934 of Petitioner's relative viz. Dhnyanoba Mahadu Shinde, the caste "Maratha" was found struck (~~Maratha~~) and caste "Thakar" was written above it.

10. As per the verification report of the Vigilance Cell, in the village *namuna* No.14 of the Tahasildar Purandar, the relevant birth-death entries were in *modi lipi*. The pages in the said Register were found torn and loose. Some entries were seen recorded on pieces of said paper. However, the date of the said entries and

name of the related villages were not available in the register. Similarly, the abstract as well as the previous and subsequent information of the entities was not available in the register. The information columns of said entries and its chronology were different than the columns in other similar registers. Said loose pieces of pages, containing the entries, do not appear to be part of the said Register. No caste and date was mentioned in the death entry of Khanduji Wadkar.

11. The caste claim of Petitioner's second cousin Dipak Shrirang Shinde was invalidated on 09.10.1998. Said Order was impugned before the High Court in Writ Petition No.2044 of 2007. Later on, the Writ Petition was withdrawn. Thus, the Order dated 09.10.1998 has remained unaltered. The caste validity claim of Petitioner's second cousins viz. Dipak Digambar Shinde and Ulhas Digambar Shinde were also invalidated. Based on the Vigilance Cell Enquiry, the caste claim of Subhash Shivaji Shinde, the second cousin of the Petitioner, was invalidated by the then committee on 20.02.2019. Said Order was challenged in Writ Petition No.3409 of 2019, but, it was upheld by this Court *vide* Order dated 08.09.2021 which Order has been stayed by the Apex Court in SLP Appeal (C) No. 15463/ 2021 dated 04.10.2021.

12. The Order dated 05.10.2021, invalidating the caste claim of Petitioner's second cousin namely Madhukar Rangnath Shinde, is still in existence. The Order dated 17.10.2022 invalidating the caste claim of Sachin Dadaso Shinde, i.e. the second cousin of the Petitioner, has been stayed by this Court in Writ Petition No.15644/2022 and the Writ Petition is pending. The caste claim of

Petitioner's cousins Atharv Nandkumar Shinde and Aditya Shinde have been invalidated by Orders dated 11.07.2023 and 10.08.2023 respectively. These fact, had been suppressed from the Committee by the Petitioner.

13. The Committee observed that the pedigree mentioned in written explanation submitted by the Petitioner refers to the names of only those blood relatives whose caste claims were validated and not to those whose caste claims were invalidated. The caste certificates of Petitioner's blood relatives namely Nandkumar Tukaram Shinde, Sunil Namdeo Shinde, Sanjay Arjun Shinde and Subhash Shankar Shinde were not in requisite form. Therefore, the same were cancelled and referred for fresh enquiry by keeping open the merits of their case. However, said cases were not referred to the Committee for fresh examination/consideration.

14. Additionally, the Petitioner had relied upon the caste validity certificate of her following blood relatives.

Sr. No.	Names	Date	Relation
1	Harish Mohan Shinde	02.07.2001	Real brother
2	Mahesh Anil Shinde	29.07.2004	Cousin brother
3	Pratap Suresh Shinde	20.03.2005	Cousin brother
4	Rakesh Rajaram Shinde	13.05.2005	Cousin brother
5	Reshma Rajaram Shinde	15.05.2005	Cousin Sister

15. After examining the record of the aforesaid five cases, the Committee found that very brief Vigilance Cell enquiry was conducted in the case of Harish Mohan Shinde. While invalidating

the caste claim of Atharv Nandkumar Shinde, a show cause notice was already issued to Harish Shinde. No Vigilance Cell enquiry was conducted in the remaining cases at Sr. Nos.2 to 5 nor detailed school and domestic enquiry was conducted in said cases by the Vigilance Cell. Therefore, the Committee declined to rely upon their caste validity certificates. As held by the Hon'ble Supreme Court in *Mah. Adiwasi Thakur Jamat Swarakshan Samiti v. State of Maharashtra and Ors.*, reported in *2023 SCC Online SC 326*, reference to Vigilance Cell is necessary when the Scrutiny Committee was not satisfied with the material produced by the applicant concerned.

16. In the wake of the above, the Committee held that the Petitioner has failed to prove that she belongs to "Thakar Scheduled Tribe". Additionally, the Committee has held that the Petitioner could not establish the "cultural affinity". Therefore, the Committee rejected the caste validity claim of the Petitioner.

17. On a careful examination of the record, we find that, there is no legal justification to disagree with the aforesaid reasoning and the findings of the Committee. Therefore, the impugned decision and Order cannot be termed as erroneous and illegal. In view thereof, we hold that there is no merit in the Petition.

18. As a result, the Writ Petition is liable to be dismissed and is dismissed, accordingly.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)

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