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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1622 OF 2026

1. Aditya Sudhakar Thakur
Aged 29 years,
Occ: Student

2. Nikhil Sudhkar Thakur
Aged 35 years, Occ: Service
Both residing at Sai Saflya Society,
B-Wing, Plot No.9, Yashoda Nagar,
Near Gajkaran Ganesh Temple,
Peth Road, Dist. Nashik, Nashik-4. ... Petitioners

Versus

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

2. Scheduled Tribe Caste Certificate
Scrutiny Committee having its office at
5th Floor, C-Wing, Kapil Towers,
near RTO Office, Pune, Dist. Pune. Respondents

Mr. R.K. Mendadkar, for the Petitioners.
Ms.Rupali Shinde, AGP for the Respondents-State.

**CORAM : M.S.KARNIK &
S.M.MODAK, JJ.**

DATE : 13th FEBRUARY 2026

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

1. Heard learned counsel for the petitioners and learned AGP for the respondents. The tribe claim of the petitioners has been invalidated by the Respondent No.2- Scheduled Tribe Caste Certificate Scrutiny Committee (for short 'Scrutiny Committee') as belonging to 'Thakur, Scheduled Tribe'. The impugned order is dated 26/03/2024.

2. The petitioners' father Sudhakar Dattatray Thakur has been issued with a certificate of validity dated 18/06/2002 by the Scrutiny Committee. On record, there is a copy of the order dated 18/06/2002 of the Scrutiny Committee recording reasons while issuing the certificate of validity in favour of the petitioners' father. Thus, by a reasoned order, the Scrutiny Committee has, upon consideration of documentary evidence on record and after considering the vigilance cell report, issued the certificate of validity in favour of the petitioners' father.

3. The decision of the Hon'ble Supreme Court in the case of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and ors.**¹ and the decision of this Court in **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1**

¹ (2023) 16 SCC 415

and others² have laid down the guiding principles as to how the claim made for grant of the certificate of validity on the strength of validity certificate granted to the close blood relatives is to be considered. We find that the petitioners' father was issued with the certificate of validity after the vigilance cell enquiry and upon considering the documentary evidence on record. The then Scrutiny Committee, by a reasoned order, has come to the conclusion that the petitioners' father's claim needs to be validated. In such a view of the matter, all the prerequisites laid down by the Hon'ble Supreme Court stand satisfied in the present case of the petitioners, being the sons of the validity holder-Sudhakar Dattatray Thakur.

4. Learned AGP invited our attention to the impugned order contending that the Scrutiny Committee had observed that the vigilance cell enquiry should have been more in-depth and detailed while submitting its report to the then Scrutiny Committee, which granted the certificate of validity in favour of the petitioners' father. He submits that as this was not done, each case has to be considered on its individual facts and therefore the impugned order does not call for any interference.

² 2010 (6) Mh.L.J. 401

5. Learned AGP pointed out that the show cause notice has been issued to the petitioners' father for revocation/cancellation of the certificate of validity and the same is pending adjudication. We find that once the then Scrutiny Committee has issued the certificate of validity after following proper procedure and after the vigilance cell enquiry and that too by a reasoned order, the approach on the part of the Scrutiny Committee in the present case virtually amounts to sitting in appeal over the decision of the then Scrutiny Committee, which is not a proper exercise of its jurisdiction. The reason for discarding the certificate of validity is erroneous. Merely because a show cause notice is issued to the petitioners' father is no reason to doubt the authenticity of the certificate of validity issued in favour of the petitioners' father, at least till such time the show cause notice is finally adjudicated.

6. In such a view of the matter, we are of the opinion that the present petition deserves to be allowed and the same is allowed. The impugned order is quashed and set aside.

7. The Scrutiny Committee is directed to issue the certificates of validity to the petitioners belonging to 'Thakur, Scheduled Tribe' within a period of 6 weeks from today.

8. Issuance of the certificates of validity is subject to outcome of the show cause notice issued to the petitioners' father and the same consequences will follow in case of the petitioners if the decision is adverse.

9. Keeping all contentions in respect of the show cause notice open, the petition is disposed of.

(S.M.MODAK, J.)

(M.S.KARNIK, J.)