



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 259 OF 2024
Prasad S/o Rajendra Pawar and others
Vs. Scheduled Tribe Caste Certificate Scrutiny Committee and another

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. P.R. Parsodkar, Advocate for Petitioner
Mr. J.Y. Ghurde, AGP for Respondent Nos.1 and 2

**CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : 17th FEBRUARY, 2025

1. The petition questions the decision dated 22.12.2023 of the Scrutiny Committee, Yavatmal, refusing to grant validity to the petitioners belonging to Thakur Scheduled Tribe (page 129). The family tree as enumerated in para 14 (page 142) of the impugned decision is not disputed which would indicate that as many as 7 persons in the tree (page 262) have been granted validity by this Court which is indicated as under.

वैधता प्रमाणपत्राचा तपशील :-

अ. क्र.	वैधता प्रमाणपत्र धारकाचे नांव	अर्जदाराशी नाते	वैधता प्रमाणपत्र धारकाचा W.P. No.	वैधता निर्गमित केल्याचा दिनांक
1	दर्शना मोहन पवार	चुलत बहीण	6670/2022	08.12.2022
2	अनुराग गर्जेद्र पवार	चुलत भाऊ	6670/2022	08.12.2022
3	आशुतोष गर्जेद्र पवार	चुलत भाऊ	6670/2022	08.12.2022

4	राजेंद्र नामदेव पवार	अर्जदार क्रं. १ यांचे वडील	4718/2021	31.01.2023
5	गणेश प्रभाकर पवार	चुलत चुलत भाऊ	4718/2021	31.01.2023
6	पवन भिकाजी पवार	चुलत चुलत भाऊ	3041/2021	10.07.2023
7	वैष्णवी नरेंद्र पवार	अर्जदार क्रं. २ व ३ यांची सख्खी बहिण	5403/2021	26.07.2023

2. Since the learned Assistant Government Pleader does not dispute the relationship of the petitioner Nos. 2 and 3, with the above persons, who have been granted validity by this Court in view of the provisions of Section 16(3) of the Caste Certificate Act, 2012, we do not see any reason as to why the validity ought not to be granted to the petitioner Nos. 2 and 3, as the reasons for not relying upon the judgments of this Court as indicated above in respect of the relatives on the paternal side of the petitioners, do not commend to us.

3. Insofar as petitioner no.1 Prasad Rajednra Pawar is concerned, the vigilance report dated 11.9.2023 (page 90 para 3), indicates that he is son of Rajendra Pawar, who has been granted validity by this Court in Writ Petition no. 4718/2021 dated 19.01.2023.

4. It is also necessary to note, that the genealogy recorded in the impugned decision (page

142) shows that a son has been born to Ramji the great grandfather of the petitioners, who is recorded as Thakur, in the Kotwal register which entry is dated 17.04.1920 (page 50) which is not disputed by the learned Assistant Government Pleader, which is also the position as indicated above, regarding the relationship. Similarly, the Kotwal book entry dated 02.09.1912 (Page 49) also records, one daughter being born to Ramji, the great grandfather of the petitioners. Since this document is also not disputed, it would, therefore, be apparent that the oldest entries in the family of the petitioners record the entry of “Thakur”.

5. In view of the above position, we cannot sustain the impugned decision dated 22.12.2023, as the same runs contrary to at least 4 decisions of this Courts granting validity to 7 relatives on the paternal side of the petitioners. The impugned decision is, therefore, quashed and set aside and the Caste Scrutiny Committee is directed to grant validity certificate to the petitioners belonging to the Scheduled Tribe Thakur. The same shall be done within a period of four weeks from today.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

MP Deshpande