



Digitally signed by
TRUSHA TUSHAR
MOHITE
Date: 2021.10.11
12:01:09 +0530

26 wp2728-20.odt

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

WRIT PETITION NO.2728 OF 2020

Pooja D/o Dilipkumar Gaikwad Petitioner

vs.

The State of Maharashtra and Anr. Respondents

Mr.Sushant C.Yeramwar for the petitioner

Ms.Kavita N. Solunke, A.G.P. for respondent nos.1 and 2

**CORAM: R.D.DHANUKA &
ABHAY AHUJA, JJ.**

DATED : OCTOBER 06, 2021

P.C.

. Heard.

2. Rule.

3. The learned A.G.P. waives service for the respondents.

4. By consent of parties, Writ Petition is heard finally.

5. By this petition, under Article 226 of the Constitution of India, the petitioner has impugned the common decision of the respondent no.2 Committee dated 18.07.2019 thereby invalidating Tribe Claim of the petitioner and her real sister, viz., Snehal Dilip Gaikwad.

Mohite

1/4

6. The petitioner had applied to the Sub-Divisional Officer, Madha Division, Kurduwadi for issuance of a Caste Certificate on the basis of her caste claim, Thakar - Scheduled Tribe' Community on 18.07.2004. The Caste Certificate was issued by the Competent Authority in favour of the petitioner. However, her Tribe claim was invalidated by respondent no.2 Committee on the application filed by the petitioner and her sister Snehal Dilip Gaikwad.

7. Being aggrieved by the said common order passed by the respondent no.2 Committee, sister of the petitioner filed Writ Petition bearing no.8152 of 2019 before this Court inter alia; for quashing and setting aside the said order passed by respondent no.2 Committee. By a judgment delivered on 06.08.2019 passed by a Division Bench of this Court, the said Writ Petition No.8152 of 2019 filed by the sister of the petitioner Snehal Dilip Gaikwad came to be allowed.

8. This Court recorded the finding that the petitioner's real sister had proved that she belongs to 'Thakar' - Scheduled Tribe and accordingly quashed and set aside the impugned order and held that the petitioner belongs to 'Thakar' - Scheduled Tribe.

9. Pursuant to the said judgment dated 06.08.2019, Respondent no.2 Committee issued the certificate of validity dated 07.08.2019 in favour of the sister of the petitioner Snehal Dilip Gaikwad certifying that she belongs to Thakar (44) Scheduled Tribe. The other relatives of the petitioner

have been issued certificate of validity which are annexed to the petition.

10. Learned Counsel for the petitioner invited our attention to the judgment delivered by a Division Bench of this Court on 20.04.2021 in the case of **Satish Janardan Thakur and Anr. vs. Scheduled Tribe Caste Certificate Verification Certificate in Writ Petition No.3770 of 2017** and submitted that in case of cousin uncle of the petitioner hereinabove, this Court after adverting to the judgment of this Court in case of Snehal Dilip Gaikwad (Supra) has allowed the said Writ Petition and has quashed and set aside the order passed by Caste Scrutiny Committee invalidating the claim of the cousin uncle of the petitioner and directing that Committee to issue Caste Validity Certificate in favour of the petitioner therein as Thakar (Scheduled Tribe) 44.

11. The learned A.G.P. has also relied on the judgment of this Court in the case of Snehal Dilip Gaikwad (Supra) and also judgment of this Court in case of Satish Janardan Thakur & Anr. (Supra). It is admitted position that the impugned order passed by respondent no.2 Committee was common order against the petitioner as well as Snehal Dilip Gaikwad. The Writ Petition filed by Snehal Dilip Gaikwad has been allowed by this Court. Pursuant to the judgment delivered by this Court in Snehal Dilip Gaikwad (supra) the authority has already issued certificate of validity certifying that she belongs to Thakar Scheduled Tribe 344.

12. Counsel for the petitioner has submitted that the caste certificate was granted pursuant to the judgment delivered

by this Court in Satish Janardan Thakur (Supra). In our view, the petitioner also has proved her caste claim as proved by her sister before this Court in the said judgment dated 06.08.2019. The said judgment clearly applies to the facts of the present case which is in favour of the cousin uncle of the petitioner.

13. In our view, since this Court has allowed the Caste Validity Certificate in favour of the sister of the petitioner, and also cousin uncle of the petitioner, Petitioner's tribe claim also deserves to be allowed. We accordingly pass following order:

- a. Impugned order dated 19.07.2019 invalidating the tribe claim of the petitioner is set aside.
- b. The petitioner has proved that she belongs to Thakar tribe.
- c. We, accordingly, direct respondent No.2 to issue Caste Validity Certificate certifying the petitioner belongs to Thakar Tribe, within two weeks from the date of communication of this order.
- d. Writ Petition is allowed on the aforesaid terms.
- e. Rule is made absolute accordingly.
- f. The parties to act on authenticated copy of this order.

(ABHAY AHUJA, J.)

(R.D.DHANUKA, J.)