



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4414 OF 2010

Surekha Dinkar Thakar @  
Sharada Subhash Shivankar ... Petitioner  
V/s.  
State of Maharashtra and ors. ... Respondents

WITH  
WRIT PETITION NO. 5034 OF 2011  
WITH  
CIVIL APPLICATION NO. 10 OF 2023

Dilip Dinkar Thakar ... Petitioner  
V/s.  
State of Maharashtra and ors. ... Respondents

Mr. R.K. Mendadkar a/w Mr.Siddhart Sawai, Ms.Priyanka Shaw, Mr. JagdishKawale, for the Petitioners.  
Smt. D.S.Deshmukh, AGP for the Respondent-State in WP/4414/10.  
Mr. A.K. Naik, AGP for the Respondent-State in WP/5034/11.

CORAM : M.S. KARNIK AND  
S.M.MODAK, JJ.

DATE : 14<sup>th</sup> JANUARY 2026

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

1. Heard learned counsel for the Petitioner and learned AGP.
2. The caste claim of the Petitioner-Surekha Dinkar Thakar alias Sharada Subhash Shivankar has been invalidated by the Scrutiny Committee as belonging to 'Thakar, Scheduled Tribe'. Learned AGP invited our attention to the impugned order. It is submitted by learned AGP that

the documents produced on record, especially that of the Petitioner's grandfather and father indicate that they never projected their caste as 'Thakar, Scheduled Tribe'. Our attention is invited to the various entries recorded.

3. In our opinion, significant in the present context is the caste validity certificate granted to the first cousin from the paternal side of the Petitioner-Mr. Pramod Sadashiv Thakar. The Scrutiny Committee has in the impugned order referred to the affidavit sworn by Mr. Pramod Sadashiv Thakar dated 12/07/2005 wherein it has been stated that the Petitioner is the first cousin from the paternal side of Mr. Pramod Sadashiv Thakar. There is no dispute in the fact that the Petitioner is a close blood relative of Mr. Pramod Sadashiv Thakar. Our attention is then invited to the findings of the Scrutiny Committee as to why the caste validity certificate of Mr. Pramod Sadashiv Thakar was discarded. The Scrutiny Committee observed that the Committee has to deal with each and every case separately on its own merits taking into consideration the entire documentary evidence as well as the vigilance cell report placed on record.

4. The principal challenge by the Petitioner to the order passed by Respondent No.2-Committee is on the ground that there cannot be inconsistency among the caste of blood relatives from the paternal side and when the Committee itself has granted the caste validity certificate in favour of the first cousin brother of the Petitioner who is Mr. Pramod

Sadashiv Thakar after following due process, in the same set of facts and the same set of evidence, it is not open for the Committee to come to a different conclusion. We find substance in the submission of learned counsel for the Petitioner.

5. We draw support from the observations of the Hon'ble Supreme Court in the case of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and ors.**<sup>1</sup>, in particular paragraph 24 which reads thus :

“24. We can also contemplate one more scenario which is found in many cases. These are the cases where the applicant relies upon caste validity certificates issued to his blood relatives. Obviously, such a validity certificate has to be issued either by the Scrutiny Committee constituted in terms of the directions issued in *Madhuri Patil Vs. Commissioner, Tribal Development* (1994) 6 SCC 241 or constituted under the Rules framed under the 2000 Act. In such a case, firstly, the Scrutiny Committee must ascertain whether the certificate is genuine. Secondly, the Scrutiny Committee will have to decide whether the applicant has established that the person to whom the validity certificate relied upon by him has been issued is his blood relative. For that purpose, the applicant must establish his precise and exact relationship with the person to whom the validity certificate has been granted. Moreover, an enquiry will have to be made by the Scrutiny Committee whether the validity certificate has been granted to the blood relative of the applicant by the Scrutiny Committee concerned after holding due enquiry and following due procedure.”

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1 (2023) 16 SCC 415

6. This Court in **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others**<sup>2</sup> in paragraph 4 observed thus :

“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. “

7. In the present facts, though learned AGP vehemently contested the claim of the Petitioner and supported the order passed by the Scrutiny Committee, we are bound by the observations of the Hon'ble Supreme Court in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra)**. There is no disputing the fact that the Petitioner is a close blood relative of Mr.Pramod Sadashiv Thakar who has been granted the caste validity certificate. Further, we find that in the entire order of the Scrutiny Committee or in the affidavit-in- reply, it is not the case of the Committee

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2 2010 (6) Mh.L.J. 401

that proper procedure in granting the caste validity certificate to Mr.Pramod Sadashiv Thakar has not been followed. The only stand taken by the Respondents is that each and every case has to be decided on its own merits and on the basis of the materials placed on record. We therefore have no hesitation in allowing the present Petition.

8. The Petition is allowed.

9. The impugned order is quashed and set aside.

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

11. Needless to mention that if for any reason, the Committee finds substance in proceeding against the caste validity certificate granted to Mr.Pramod Sadashiv Thakar, it is open for the Committee to do so in accordance with law.

12. The Petitioner is entitled to all consequential benefits.

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13. For the same reasons mentioned above in Writ Petition No. 4414 of 2010, the present Petition is allowed on the same terms.

14. The impugned order is quashed and set aside.

15. The Scrutiny Committee is directed to issue a caste validity certificate in favour of the Petitioner as belonging to 'Thakar, Scheduled

Tribe' within a period of 6 weeks from the date of communication of this order.

16. Needless to mention that if for any reason, the Committee finds substance in proceeding against the caste validity certificate granted to Mr. Vishal Babanrao Thakar, it is open for the Committee to do so in accordance with law.

17. The Petitioner is entitled to all consequential benefits.

18. In view of the disposal of the Writ Petition, Civil Application does not survive and the same stands disposed of.

(S.M.MODAK, J.)

(M.S. KARNIK, J.)