



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1778 OF 2023

Prasad Pradip Gavali ...Petitioner
Versus
State of Maharashtra
Thr. Secretary Tribal Development Dept. And Ors. ...Respondents

Mr. R. K. Mendadkar a/w Jagadish C. Kawale for the Petitioner.
Ms. Tanu N. Bhatia, AGP for Respondent No.1 – State.
Mr. R.S. Khadapkar i/b. A.R.S. Baxi for Respondent No.3.

CORAM : R. I. CHAGLA AND
ADVAIT M. SETHNA, JJ.

DATED : 2nd APRIL, 2026

P.C.:-

1. By this Writ Petition, the Petitioner has impugned the order dated 30 December 2021 passed by the Respondent No.2 – Scrutiny Committee and has sought its setting aside. Further, a direction has been sought to the Respondent No.2 – Committee to issue certificate of validity in relation to the Caste Certificate dated 27 February 2020 issued to the Petitioner by the Competent Authority of jurisdiction, with further direction to Respondent No.3 – Employer to withdraw the impugned order of termination dated 14 January 2022 and to reinstate the Petitioner on the post of Clerk subject to the result of the Petition.

2. Having heard the learned counsel for the parties, we had recorded the statement of Mr. Mendadkar viz. that pursuant to the impugned order



dated 30 December 2021, show-cause-notices issued to the Petitioners' blood relatives from the paternal side *qua* their caste validity certificates have been set aside by this Court in Writ Petitions filed by them. This was recorded vide order dated 1 April 2026 and we had directed Mr. Mendadkar to file an affidavit which would refer to the prior proceedings and orders passed therein.

3. An additional affidavit has been filed by the Petitioner in which, order dated 2 February 2023 which has been passed in the Writ Petition No.4547 of 2019 along with Writ Petition No.2305 of 2020 filed by the two real uncles of the Petitioner viz. Sanjay Janardan Gawali, Raju Janardan Gawali and the second Petition filed by the first cousin brother of the Petitioner viz. Akash Sanjay Gawali are relied upon. By the said judgment and order, this Court has found suo motu cancellation of the validity certificates of Akash Sanjay Gavali's father and uncles by the Scrutiny Committee to be entirely without application of mind. This Court had made the Rule absolute by setting aside the impugned judgment and order dated 15 February 2019 passed by the Scrutiny Committee and directed to re-validate the caste validity certificates issued in favour of the Petitioner. This Court had further declared that the Petitioner belonged to the Thakar tribe which is recognized as Scheduled Tribe at Entry 44 of Second Schedule, Part IX - Maharashtra appended to Scheduled Castes/Scheduled Tribes Orders (Amendment) Act, 1976. The said judgment and order dated 2



February 2023 being a subsequent event could not have been considered by the Respondent No.2 – Scrutiny Committee which has placed its finding on the show-cause-notices issued to the Petitioner’s blood relatives from the paternal side qua the caste validity certificates.

4. In view of the above subsequent event, we consider it appropriate to remand the matter back to the Respondent No.2 – Scrutiny Committee in order to *de novo* hear the Petitioner and pass a fresh order in accordance with law. The Respondent No.2 – Scrutiny Committee shall keep in mind the orders passed by this Court whereby the caste claim of the Petitioners’ paternal blood relatives have been re-validated as well as bear in mind the judgment and order passed by this Bench on 17 February 2026 in the case of *Shilpa Jay Wagh vs. State of Maharashtra and Ors.*, wherein the judgments of the Supreme Court including the judgment in *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra and Ors.*¹ has been followed. The larger Bench of the Supreme Court in the said Judgment had held that where the caste claims of the Petitioners’ blood relatives have been validated, the Respondent No.2 – Scrutiny Committee ought not to have denied the benefit of the same to the Petitioner on the ground that certain show-cause notices had been allegedly issued to them in respect of the caste validity certificate. It is pertinent to note that after the passing of the impugned order by the Respondent No.2 – Scrutiny

1. Civil Appeal No.2502 of 2022; decided on 24 March 2023



Committee, the show-cause-notices as well as the orders revoking the caste validity certificates have been set aside by this Court in Writ Petitions filed therein, mentioned (supra).

5. This Court in the said judgment and order dated 17 February 2026, following the law laid down by the Supreme Court in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti*** (Supra) quashed and set aside the impugned order passed by the Scrutiny Committee and had directed issuance of caste validity certificate in respect of the Thakur Scheduled Tribe Community within a period of 30 days from uploading of this order.

6. In the present case, it appears from the impugned order dated 30 December 2021 that the Respondent No.2 – Scrutiny Committee has invalidated the caste claim of the Petitioner on the ground that show-cause-notices have been issued to the Petitioners' blood relatives on the paternal side *qua* the caste validity certificate. Thus, the Respondent No.2 – Scrutiny Committee whilst passing the fresh order is required to, apart from considering the aforementioned subsequent events, also bear in mind the said decision of the Supreme Court in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti*** (Supra) which had found that such a finding of the Scrutiny Committee on mere issuance of show-cause-notices is flawed.

7. The Respondent No.2 – Scrutiny Committee shall grant *de novo* hearing to the Petitioner and pass reasoned order within a period of 4 weeks from the uploading of this order.



8. In the event, the Petitioner's caste claim is validated by the Respondent No.2 – Scrutiny Committee, the Petitioner is at liberty to apply to the Respondent No.3 – Employer with regard to the withdrawal of the impugned order of termination from service dated 14 January 2022 and for reinstatement of the Petitioner on the post of Clerk and which application shall be considered by the Respondent No.3 – Maharashtra State Electricity Distribution Company Ltd. on its own merits and in accordance with law.

9. Writ Petition is accordingly disposed of. There shall be no order as to costs.

10. We make it clear that we have not made any observations on the merits of the Writ Petition and all rights and contentions of the parties are expressly kept open.

11. Writ Petition No.12147 of 2022 which has been tagged with this Writ Petition wherein this judgment and order is passed shall be de-tagged by the Registry.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA, J.]