

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 4786 OF 2012**

Santosh Prabhakar Ahire

....Petitioner.

Vs.

State of Maharashtra & Ors.

....Respondents.

Mr. R.K. Mendadkar a/w Ms. Helen Koli-Mandlik and Mr. C.K. Bhangoji for the Petitioner.

Ms. S.S. Bhende, AGP for Respondent Nos. 1 and 2.

Mr. S.V. Marne for Respondent No.3.

**CORAM : ANOOP V. MOHTA AND
K.R. SHRIRAM, JJ.**

DATE : 8 MAY 2015.

P.C.:-

Rule. Rule made returnable forthwith.

Heard finally by consent of the parties.

2 The Petitioner's brother, by judgment of this Court passed on 12 December 2006 in Writ Petition No. 7455 of 2005, was granted caste validity certificate as belonging to Thakur Scheduled Tribe by Respondent No.2. The said judgment had attained finality.

3 Therefore, though there is an affidavit placed on record referring to alleged challenge to the Petitioner's sister's claim of the

same caste is stated to be pending, which the learned counsel appearing for thCAWe Petitioner denying the same. However, even otherwise, pendency of such challenge in the present facts and circumstances in view of the caste validity certificate granted pursuant to the order passed by this Court as referred above, we see no reason to deny the said claim of the Petitioner. This Court by various judgments have considered the aspect of benefit of paternal relatives case/claim of caste and directed to grant the certificate, if no case of fraud and/or misrepresentation is made out. Recently, we have in Pramodkumar Narendrakumar Wagh & Ors. Vs. The State of Maharashtra & Ors., Writ Petition No. 9356 of 2004, dated 23 April 2015, in similarly situated matter, for the same reasons by referring to Supreme Court judgments and other judgments passed by this Court, granted the relief. Therefore, we are inclined to allow the present Writ Petition in terms of prayer clauses (a) and (b).

4 The Petition is accordingly allowed in terms of prayer clauses (a) and (b).

5 Rule is made absolute accordingly.

6 It is made clear that the Respondent No.2 Scrutiny
Committee to issue certificate of validity, as early as possible,
preferably within 10 weeks from today.

7 There shall be no order as to cost.

 The parties to act on the basis of an authenticated copy of
this order.

(K.R. SHRIRAM, J.)

(ANOOP V. MOHTA, J.)