

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7669 OF 2016

Rajesh Nimba Wagh,
age: 33 years, Occ: service,
R/o Plot No.5, Dandekar Nagar,
At Post Pimprala, Tq. & District
Jalgaon.

Petitioner

Versus

01 Scheduled Tribe Certificate
Scrutiny Committee, Nashik,
through its Member Secretary.

02 Scheduled Tribe Certificate
Scrutiny Committee, Nandurbar,
through its Member Secretary.

Respondents

Mr.Mahesh S. Deshmukh, advocate for the petitioner.
Mr.P.S.Patil, A.G.P. for Respondents.

**CORAM : R.M.BORDE &
K.L.WADANE, JJ.
DATE : 26th July, 2016**

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 The petitioner claims to belong to “Thakur”, Scheduled Tribe category. The caste certificate issued in favour of the petitioner was referred to Respondent Scrutiny committee for verification. The Scrutiny Committee, on conducting inquiry, was pleased to hold that claim of the petitioner for issuance of validation certificate as valid and proper and as such directed

issuance of validity certificate, however, subject to decision of the High Court in the matter of **Baburao Rajaram Shinde Vs. State of Maharashtra and others**, reported in 2002 (4) MH.L.J. 310, which was pending at the relevant time before the High Court, Bench at Aurangabad.

3 The validity certificate has been issued in favour of the petitioner conditionally on account of pendency of writ petition, wherein an identical issue, as in the case of petitioner, was a matter of consideration before the High Court in **Baburao Shinde's** case. It has been pointed out that the aforesaid writ petition has been decided by the Division Bench of the High Court on 03.06.2002. The petition presented by **Baburao Rajaram Shinde**, challenging the order of invalidation of his tribe certificate was allowed and the decision of the Scrutiny Committee dated 29.05.1999 was quashed and set aside and the Scrutiny Committee was directed to issue validity certificate in favour of the petitioner therein. The decision rendered by the Division Bench has attained finality since no further proceedings are taken up to challenge decision of High Court.

4 In this view of the matter, the condition imposed by Scrutiny Committee, while directing issuance of validity certificate in favour of the petitioner, deserves to be quashed and set aside. The Scrutiny Committee, as such, is directed to issue validity certificate in favour of the petitioner certifying therein that the petitioner belongs to "Thakur", Scheduled Tribe category, without imposing any precondition. The condition imposed in the order passed by the Scrutiny Committee, while directing issuance of

validity certificate in favour of the petitioner, stand quashed and set aside. The Scrutiny Committee is directed to issue validity certificate, as expeditiously as possible, preferably within a period of six weeks from today.

5 Rule is accordingly made absolute. There shall be no order as to costs.

K.L.WADANE

JUDGE

adb/wp766916

R.M.BORDE

JUDGE