

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4467 OF 2015

Vilas Uttam Thakur

.... Petitioner

Vs.

The State of Maharashtra & Others

.... Respondents

Mr. Pankaj Purway for the Petitioner.

Ms Aparna Vhatkar, AGP, for the Respondents.

CORAM: S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.

DATE : NOVEMBER 25, 2016

P.C:

1. Heard both sides. The petitioner says that relevant material evidence has been ignored and brushed aside. Therefore, the order of the Caste Scrutiny Committee is wholly perverse.

2. To appreciate this contention, it would be necessary to note that the petitioner claims to be belonging to “Thakur” caste, a Scheduled Tribe. It is his further claim that the family

members follow all the traits, practices, customs and traditions of that Tribe and that is how the petitioner came to be appointed as a Police Constable in the State police services.

3. In para 2.4, the petitioner states that though the employer is obliged to forward the Tribe Certificate for scrutiny to the Competent Scrutiny Committee, yet that Committee was obliged to grant the Caste Validity Certificate. The petitioner relied upon a Caste Validity Certificate issued in favour of one Rajendra Sukalal Thakur (Chavan). This gentleman is the cousin from the paternal side. Meaning thereby, Rajendra's father is the real brother of the petitioner's father. That is how he could have validly relied upon this piece of evidence. The Committee has over-looked it and contrary to the law laid down by this Court.

4. When this writ petition was placed before this Court, the earlier Division Benches were of the view that unless and until there is a proof of established fraud or misrepresentation, such Certificate of Validity issued to near and dear relatives from the paternal side should not be brushed aside. Therefore, the

State was permitted to bring in such material.

5. The second respondent-Committee has filed an affidavit. The Committee does not dispute that the Caste Validity Certificate was issued in favour of the said Rajendra. However, the Committee feels that it is not obliged to accept this Certificate as a valid piece of evidence and by that alone it is not prohibited from scrutinising and verifying the petitioner's claim. The Committee filed an affidavit but a perusal of the entire affidavit by us does not indicate any specific stand of the Committee that the Certificate of Validity issued in favour of Rajendra is vitiated by fraud or misrepresentation. In fact in the impugned order as well the Committee does not hold that it is so vitiated.

6. In the above circumstances and when we are informed that the State of Maharashtra has now taken a categorical stand that the Committees would proceed to issue Caste Validity Certificate to the applicant before it provided such applicant brings proof of Caste Validity Certificate issued in

favour of the real brothers and sisters or near relatives from the paternal side, and if that stand now taken by the State is known to the Committees, then, we have no hesitation in quashing and setting aside the impugned order. We allow the writ petition. The impugned order is quashed and set aside.

7. We direct the Committee concerned to issue the Caste Validity Certificate in favour of the petitioner within a period of four weeks from the date of receipt of a copy of this order.

8. The writ petition accordingly stands disposed of.

(B.P. COLABAWALLA, J.)

(S.C. DHARMADHIKARI, J.)