

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10631 OF 2012

|                          |   |             |
|--------------------------|---|-------------|
| The State of Maharashtra | } | Petitioner  |
| versus                   |   |             |
| Shri Sunil Gouru Patil   | } |             |
| and Ors.                 | } | Respondents |

WITH  
WRIT PETITION NO. 10632 OF 2012

|                            |   |             |
|----------------------------|---|-------------|
| The State of Maharashtra   | } | Petitioner  |
| versus                     |   |             |
| Shri Umesh Dattatray Patil | } |             |
| and Ors.                   | } | Respondents |

WITH  
WRIT PETITION NO. 10633 OF 2012

|                          |   |             |
|--------------------------|---|-------------|
| The State of Maharashtra | } | Petitioner  |
| versus                   |   |             |
| Shri Nitin Laxman Patil  | } |             |
| and Ors.                 | } | Respondents |

WITH  
WRIT PETITION NO. 10634 OF 2012

|                          |   |             |
|--------------------------|---|-------------|
| The State of Maharashtra | } | Petitioner  |
| versus                   |   |             |
| Shri Subhash Anant Bhoir | } |             |
| and Ors.                 | } | Respondents |

Ms. Sushma Bhende - AGP with Ms. M. S. Bane - 'B' Panel Counsel for the petitioner (State).

Mr. C. G. Gavnekar with Mr. G. S. Hiranandani for respondent no. 1 in WP/10632/2012.

Mr. Ranjeet H. Patil i/b. Mr. Kuldeep S. Patil for respondent no. 1 in WP/10633/2012.

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

**DATED :- DECEMBER 16, 2016**

**P.C. :-**

1. We have heard Ms. Bhende, learned AGP appearing for the petitioner in each of these petitions. One Ashwini Achyut Patil filed Writ Petition No. 11154 of 2011 in this court challenging the order passed by the Caste Scrutiny Committee. According to the State, the said Ashwini, while assailing the order passed by the Caste Scrutiny Committee, relied upon the certificates of validity issued to Subhas Bhoir, Umesh Patil, Nitin Patil and Sunil Patil. It is based on these certificates and realising that these are close relatives of Ashwini that during the course of proceedings in Ashwini's case, the State became aware that these four persons have obtained the caste validity certificates in their favour by suppressing the true and correct factual position. Therefore, relying upon some oral observations of this court, these four petitions have been filed to quash the validity certificates issued to Subhash Bhoir and others, namely the first respondents in each petitions. On such petitions and which question the order in favour of the said respondents, the State proceeds to allege that the caste validity certificates were obtained by them by misleading the committee. The committee should not have relied

upon the same and that is how though Ashwini did not suffer any loss or prejudice, these persons deserve to be proceeded against and in law. Even their certificates should be quashed and set aside.

2. Umesh Dattatray Patil has filed an affidavit, in which, it has been clarified that though the writ petition of the State has been filed with the above allegations, but, the factual assertions are incorrect. It is stated that petitioner Ashwini Patil (in Writ Petition No. 11154 of 2011) claimed that she was related to Umesh and relied upon the validity certificate issued to him on 31<sup>st</sup> August, 2011. This certificate was relied upon by Ashwini without the consent of Umesh. Umesh has specifically stated that he is not related to Ashwini in any manner. Ashwini was aggrieved by an order dated 15<sup>th</sup> September, 2011 of the Schedule Tribe Certificate Scrutiny Committee, Konkan Division, Thane, where the committee came to a unanimous conclusion that Ashwini did not belong to Mahadev Koli Schedule Tribe and her claim was held to be invalid. The caste certificate issued to her was cancelled.

3. It is common ground that Ashwini's claim was considered along with a similar writ petition (Writ Petition No. 3014 of 2004), but eventually, Ashwini did not press her challenge. She

submitted that she belongs to Koli and not Mahadev Koli. Koli was treated as Special Backward Class and Ashwini relied upon that classification and protected her services. She gave up her claim as belonging to Mahadev Koli Scheduled Tribe.

4. Umesh Patil has clarified that with this position, there was no warrant for the State to seek to quash the caste validity certificate issued in his favour. Once his claim is not on par with Ashwini and as a fact he is not relative of Ashwini, then, his independent entitlement and the certificate based thereon cannot be questioned.

5. Once we have seen this position and which is common to all the four cases filed before us and there is no denial of this factual position as emerging from the affidavit in the case of Umesh Patil, then, there is no reason to entertain these petitions. The State has filed them under a misconception of fact. It has not verified the record. It has failed to point out the correct factual position. In the circumstances, all the petitions are dismissed.

**(B.P.COLABAWALLA, J.)      (S.C.DHARMADHIKARI, J.)**