

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

918 WRIT PETITION NO. 5360 OF 2017

JAYSHREE SHIVSING THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Shete Sadashiv S.
AGP for Respondents State: Mr. P. S. Patil

**CORAM : R. M. BORDE &
K. L. WADANE, JJ.**

DATE : 20th April, 2017

ORDER:

1. The Scrutiny Committee has refused to the adjudicate upon the tribe certificate validation proposal tendered by the petitioner on the ground that final list of contesting candidates does not show the name of the petitioner as candidate belonging to Scheduled Tribe Category.

2. The reason recorded by the Committee for refusal to adjudicate upon the validation claim of the petitioner is erroneous. An individual belonging to reserved category may require validity certificate for various needs such as for claiming benefits under the schemes formulated by the Government prescribed for reserved category, for employment etc. The petitioner is an elected candidate. It is open for the petitioner either to contest as against the reserved category seat

or open category seat. However, merely because the petitioner's name does not appear in the final list of contesting candidates as belonging to reserved category, there is no reason for refusal by the Committee to adjudicate upon the validation proposal.

3. In the circumstances, the order passed by the Scrutiny Committee dated 23.12.2016 (Exhibit-B) stands quashed and set aside and respondent No.2 Committee is directed to take decision on the tribe certificate validation proposal of the petitioner, on its own merits and in accordance with law. The Committee shall take appropriate decision in the matter as expeditiously as possible preferably within a period of six months from today.

4. The Order dated 07.02.2017 (Exh.C) passed by the Collector, Aurangabad shall stand stayed in view of the order passed by the Apex Court in Special Leave Petition (Civil) Nos.29874 and 29875 of 2016, dated 13.02.2017.

(K. L. WADANE, J.)

(R. M. BORDE, J.)

JPC