

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

WRIT PETITION NO. 4215 OF 2009
WITH
CIVIL APPLICATION NO.12023/2013 IN WP/4215/2009
WITH
CIVIL APPLICATION NO.13760/2013 IN WP/4215/2009
WITH
CIVIL APPLICATION NO.8680/2017 IN WP/4215/2009

DINESH SURESH DEORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS.

...
Advocate for Petitioner : Mr.A.S.Golegaonkar a/w Mr.M.A.Golegaonkar.
AGP for Respondents/ State : Mr.PS.Patil.
...

**CORAM: S.C. DHARMADHIKARI
AND
MANGESH S. PATIL, JJ.**

DATE :- 25th July, 2017

PC.:

1 This petition along with connected petitions have been placed before us after we heard them extensively on the earlier occasion.

2 Mr.Golegaonkar relied upon the common judgment and order passed by the Honourable Supreme Court in Civil Appeal No.2336/2011. (Jaywant Dilip Pawar vs. State of Maharashtra and others) and connected Civil Appeals/ Special Leave Petitions decided on 08.03.2017.

3 It is urged that the certificate of validity was issued to close relatives from the paternal side, but the Scrutiny Committee chose to

ignore this and other valid and legal evidence. Our attention is invited to the order passed by this Court in the case of Manohar Bhagwan Deore in Writ Petition No.4593/2004 decided on 22.08.2005.

4 We have extensively dealt with this very issue in the group or batch of petitions which were decided yesterday (24.07.2017) in Writ Petition No.4575/2012 (Poonam Omprakash Rathod vs. Scheduled Tribe Certificate Scrutiny Committee and others). This batch of petitions also deals with identical controversy.

5 However, on 13.07.2017, Mr.Patil, learned AGP appearing for the Respondents/ State, sought an adjournment to peruse the record. The order to that effect reads as under:-

- "Mr. Patil, learned Additional Government Pleader appearing in all these matters for the State and the Scrutiny Committee has sought a final adjournment so as to enable him to peruse the original record. We have seen that, this Court passed an order on 11th August, 2009 and granted time to produce the original record. Whether that original record is produced and is on the file of these petitions is not clarified to us.*
- 2. Be that as it may, since Mr. Patil has taken a fair approach and stated before us that in the event these certificates of validity issued to close relative of paternal side have indeed been issued and after a contest including pursuant to the orders of this Court, then he would make a appropriate statement after ascertaining this fact from the record.*
 - 3. In the circumstances and to enable Shri Patil, to peruse the record, we defer the passing of final orders. The same shall now be passed on 20th July, 2017. No further adjournment will be granted. We hope and*

trust that, Shri Patil continues to appear in these matters on that day.

Stand over to 20.07.2017."

6 When this petition was listed for passing orders today, Mr.Patil fairly states that the record based on which the Scrutiny Committee passed the impugned order dated 27.08.2008 has not been produced nor perused by him. However, one Manohar Bhagwan Deore in whose case, the certificate of validity was issued and who was claimed to be close relative from paternal side, the record in his case is available and produced for Mr.Patil's as well as this Court's perusal.

7 After hearing Mr.Patil at great length, we do not think that this Court granted time or accommodated him for this purpose or for adopting such a stand in reply. It is only to impress upon him that when the prime issue and which was dealt with by the Scrutiny Committee in this order is of area restriction and that aspect is now covered by the Honourable Supreme Court's judgment dated 08.03.2017, the certificate of validity should automatically be issued.

8 However, Mr.Patil would argue otherwise. We do not think that we should repeat the exercise that we have performed yesterday while dealing with identical contentions.

9 As a result of the reasons assigned in Writ Petition No.4575/2012 and connected matters yesterday, even this Writ Petition

succeeds. We proceed to quash and set aside the impugned order. Once the impugned order is quashed and set aside, the Committee shall now proceed to issue the certificate of validity as expeditiously as possible and within a period of four weeks from today. Rule is made absolute accordingly.

10 All the pending Civil Applications do not survive and are disposed of.

kps

(MANGESH S. PATIL, J.)

(S.C. DHARMADHIKARI, J.)