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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1819 OF 2008

Govind Shivram Chikhale	...Petitioner
Vs.	
The State of Maharashtra & Ors.	...Respondents

Mr. H.S.Venegavkar a/w. Mr. Tejas Dhotre,
Advocate for the Petitioner
Mr. A.B. Vagyan G.P. with Mr. P.G. Sawant, AGP for the State

**CORAM : ANOOP V. MOHTA &
M.S. KARNIK, JJ.
DATED :30TH MAY, 2017**

ORAL JUDGMENT (PER ANOOP V. MOHTA, J):

1. Matter is called from the final hearing board as specially fixed.
2. The Petitioner has challenged impugned order dated 10th January 2008 issued by the Scheduled Tribe Certificate Scrutiny Committee Nashik Division Nasik (thus Scrutiny Committee) whereby his caste claim being belongs to “Mahadev Koli” (Scheduled Caste), was rejected. Thereby

also directed to cancel and confiscate the certificate issued by Executive Magistrate, Malegaon.

3. This Court on 19th March 2008 admitted the Petition. However, no interim relief of protecting his service was granted except early hearing.
4. Learned Counsel appearing for the Petitioner has placed on record Government resolution dated 25th June 2008 whereby caste "Taru-Navadi", based upon the material available is included in the concerned State list as item No.25 at No.18 it is written Bhoyee-Navadi", "Taru-Navadi". The said resolution is placed on record and marked "X" for identification.
5. Learned AGP concede to this position and submitted that this is in the list of schedule Nomadic Tribe. The submission therefore, also made that the Petitioner's relatives' certificates which were part of record reflect the caste as "Hindu Taru" - the relatives include elder brothers and

maternal aunt.

6. In view of above and taking overall view of the matter and for giving one more opportunity to the Petitioner and in view of the subsequent and substantive development of law and as the Petitioner is inclined to submit the case and claim the caste based upon the Government circular in question, we see no reason not to grant an opportunity in the interest of justice. It is also submitted on behalf of the Petitioner that there is no other remedy available to the Petitioner to deal with or claim such caste as “Taru- Navadi”. Therefore, we are inclined to interfere with order dated 10th January 2008, by keeping all contentions open of both the parties, and set aside the same with direction to re-decide the caste claim of the Petitioner based upon the notification dated 25th June 2008 in accordance with law. Therefore, following order:

ORDER

- (i) Order dated 10th January 2008 is quashed and set aside.

(ii) Caste Scrutiny Committee to reconsider the caste of the Petitioner based upon the notification dated 25th June 2008 and to pass order on its own merits on new entry in the list as Nomadic Tribe/ caste “Taru-Navadi”.

(iii) The Scrutiny Committee to pass the order in accordance with law.

(iv) The Petition is disposed of accordingly with no orders as to costs.

(M.S. KARNIK, J.)

(ANOOP V. MOHTA, J.)