

Ladda(PS).

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2929 of 2012

Smt. Archana d/o Gajanan Ingle ..Petitioner.
vs
The State of Maharashtra & Anr ..Respondents.

Mr. R.K. Mendadkar a/with Mr. C.K. Bhangoji & Tanaji V. Jadhav,
Advocates for the Petitioner.

Mr. C.P. Yadav, AGP for the Respondent Nos. 1 and 2.

CORAM : ANOOP V. MOHTA AND
SMT. BHARATI H.DANGRE, JJ.

DATE : 8th September, 2017

FINAL ORDER :-

1) Rule. Rule is made returnable forthwith. Heard finally by consent of parties.

2) The petitioner has challenged impugned order dated 20th September 2011 passed by Respondent No.2-the Scheduled Tribe Certificate Scrutiny Committee, Nashik, whereby petitioner's claim that she belongs to "Thakur" Scheduled tribe community has been rejected. The petitioner's father and sister have been already granted caste validity certificates for the said caste. Those documents were placed before Respondent No.2 Committee. Still overlooking the admitted position on record, apart from the judgment passed by this Court (Nagpur Bench) in the case of Apoorva d/o Vinay Vs. SBI Colony, Bhagwan Nagar, Nagpur, by the impugned order the petitioner's claim has been rejected, which is, in our view, not sustainable and contrary to the facts as well as on law.

3) The learned Counsel for the petitioner has relied upon a judgment of this Court in the case of Prakash Hiralal Bhamare Vs. State of Maharashtra (Writ Petition No. 6972 of 2014) dated 27th July, 2017 in support of his case.

4) Therefore, taking over all view of the matter, we are inclined to pass the following order:

ORDER:

(i) The impugned order dated 20th September, 2011 is quashed and set aside;

(ii) Respondent No.2- the Scheduled Tribe Certificate Scrutiny Committee, Nashik is hereby directed to grant caste validity certificate to the petitioner as prayed within a period of four weeks from today;

(iii) Rule is made absolute accordingly. There shall be no order as to costs.

(SMT. BHARATI H.DANGRE,J)

(ANOOP V. MOHTA,J)