

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

WRIT PETITION NO. 4333 OF 2012

Papa Somnath Rathod } Petitioner
versus
State of Maharashtra and Ors. } Respondents

Mr. V. A. Madane i/b. Mr. Chintamani
Bhangoji for the petitioner.

Ms. Sushma Bhende – AGP for
respondent nos. 1 and 2.

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

DATED :- FEBRUARY 1, 2017

P.C. :-

1. Heard both sides. Rule. Respondents waive service.
2. This writ petition is directed against the order passed by the Caste Certificate Scrutiny Committee No. 2, Ratnagiri dated 10th April, 2012.
3. The petitioner/applicant sought verification and validation of his caste claim, rather a tribe claim. It was urged that the petitioner belongs to Laman, which is notified as Vimukta Jati at Sr. No. 7 in the list maintained in that behalf. The only ground on which the caste verification was carried

out and later on the certificate came to invalidated is that the petitioner's ancestors/ parents had a permanent abode not in the State of Maharashtra and prior to the cut off date, namely, 21st November, 1961. The address that was mentioned in the records and noticed by the committee is Savalasang, Post Savalasang, Taluka Indi, District Bijapur. The argument is that there is an entry against the column State that of Karnataka. That is why the condition stipulated in the Government Resolution pertaining to having a permanent adobe in the State prior to cut off date is not complied with.

4. During the course of arguments, reliance is placed by the petitioner's advocate on an order passed by a Division Bench of this court, which, in similar circumstances, granted a relief to the petitioner in Writ Petition No. 9712 of 2011 on 24th November, 2011. The same scrutiny committee had denied the claim and refused to validate the tribe certificate of the petitioner in that writ petition, because that petitioner's family migrated to Maharashtra from Bijapur, which is now in the State of Karnataka. This court noticed that the committee was under the mistaken motion that Bijapur was not a part of the State of Bombay prior to the reorganisation of the States in 1956 under the States Reorganisation Act, 1956. This was

held to be a very serious error of law and which vitiated the conclusion of the committee.

5. Now, an identical conclusion is reached and we do not find any justification for the same. The Division Bench order of this court is dated 24th November, 2011. We do not see how it could have been ignored. The explanation provided in the affidavit in reply and the arguments of Ms. Bhende based on the same cannot be accepted in the teeth of the Division Bench order. The Division Bench order dealt with the same Lamani Tribe and with identical controversy.

6. Following the same order, we make the Rule absolute in this writ petition in terms of prayer clause (a). The tribe validity certificate shall be issued as expeditiously as possible and within a period of four weeks from the date of receipt of a copy of this order. The writ petition accordingly stands disposed of.

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