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

WRIT PETITION NO. 9272 OF 2014

Madhuri Rajaram Pawar Petitioner.

V/s

State of Maharashtra and Others Respondents.

Mr. R.K. Mendadkar with Mr. C.K. Bhangoji, Advocate for the
Petitioner.

Mr. A.P. Vanarase, AGP for Respondent Nos. 1 to 3.

**CORAM: B. R. GAVAI &
B.P. COLABAWALLA, JJ.**

DATE: 22nd December, 2017

P.C.:-

1] Rule. Rule is made returnable forthwith. Respondents waive service. Heard by consent of parties.

2] Petitioner has approached this Court, being aggrieved by the Order dated 6.8.2014 passed by Respondent No.2. - Committee, thereby rejecting the claim of the Petitioner, belonging to Thakur Scheduled Tribe.

3] In the present case, we find that conduct of Respondent No.2 –

Committee is not only totally illegal but also contemptuous in nature. The real brother of the Petitioner viz. Rahul Rajaram Pawar was required to approach this Court by filing a Writ Petition, being Writ Petition No.2129 of 1996, since his claim of belonging to Thakur Scheduled Tribe was rejected. Division Bench of this Court vide its judgment and order dated 26.9.2003, allowed the Petition, holding that Respondent – Committee was not justified in rejecting the claim. This Court directed that validity certificate be issued in favour of Rahul Rajaram Pawar, certifying that he belongs to Thakur Scheduled Tribe. Not only that but subsequently, Petitioner's real sister viz Rajashri Rajaram Pawar has also been granted validity by order dated 15/4/2005 and thereafter Petitioner's other brother viz Manish Rajaram Pawar has also been granted validity vide order dated 19/7/2005. Division Bench of this Court in *Apoorva Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and others*¹ has, in categorical terms, held that if a close blood relative of a candidate has already been granted validity then validity cannot be denied to such a candidate. Not only that but State Government has also now amended the Rules to that effect.

4] In that view of the matter, we are of the considered view that act of the Committee is not only grossly illegal but it is also in contempt of the judgment of Division Bench of this Court dated 26.9.2013 passed in Writ Petition No.2129 of 1996. However, we are informed that Officers, who have passed the impugned order, have already been

¹ 2010(6) Mh.L.J. 401

transferred. We, do not therefore wish to proceed further against the said Officers.

5] In the result, the impugned order is quashed and set aside. It is held and declared that the Petitioner belongs to Thakur Scheduled Tribe. Respondent – Committee to issue the validity certificate to the Petitioner within a period of four weeks from today.

6] Rule is made absolute accordingly.

(B.P. COLABAWALLA, J.)

(B. R. GAVAI, J.)