

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

WRIT PETITION NO. 11908 OF 2012

Shri. Shrikant R. Shinde versus The State of Maharashtra and Ors.	} } }	Petitioner Respondents
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Ms. Deeplaxmi S. Matwankar i/b.
Mr. Shiva D. Patil for the petitioner.

Ms. Sushma Bhende – AGP for respondent
nos. 1 and 3.

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

DATED :- JANUARY 27, 2017

P.C. :-

1. We have heard both sides and perused the impugned order. On 3rd February, 2012, the Scheduled Tribe Certificate Scrutiny Committee, Pune Region, Pune invalidated the tribe certificate issued to the petitioner. The petitioner was issued a caste certificate by the Sub-Divisional Officer, Baramati, District Pune on 15th December, 2000 certifying that the petitioner belongs to Hindu Thakar Scheduled Tribe. The petitioner was appointed as Animal Husbandary Inspector by the second respondent. The second respondent forwarded his caste certificate for scrutiny and verification by the committee.

2. The third respondent-committee had before it not only the claim of the petitioner, but several documents produced by the petitioner. One of the documents produced by the petitioner is the caste validity certificate issued to the family member. The petitioner relied upon and as is evident from the order of the scrutiny committee a caste validity certificate and issued to the real brother of the petitioner. When the certificate issued to the real brother and father was relied upon, what the committee has held is that while it is true that the caste validity certificate was issued to the petitioner's father and other paternal relatives, but the record also reveals that the then committee has validated the tribe claim of the petitioner's cousin brother. However, in the order passed in that regard, the committee relied upon the fact that the information provided by the cousin brother did not match with the anthropological data available in relation to Thakar Scheduled Tribe. That is how, the committee held that the certificate may have been issued on the basis of the law prevailing at that time, but now it is empowered to ignore such certificates and on which strong reliance is placed by the petitioner.

3. This line of reasoning is not understood by us. The undisputed fact is that the petitioner's father and real brother have been issued such caste validity certificates and certifying

them to be belonging to the very Scheduled Tribe. In one family or home, we cannot have a situation like this where the father is tribal, but the son is not. The committee must explain something more for creating such an anomalous situation. It must either produce materials, which would enable this court to arrive at a conclusion that there is a fraud or misrepresentation of such degree as would vitiate the said certificates. Then, possibly, the whole inquiry and as sought by the committee is open. Absent proof of all this, we do not see how the committee could have ignored this relevant and germane piece of evidence. The evidentiary value of these documents cannot be diluted in this manner.

4. As a result of the above discussion, the writ petition succeeds. The impugned order is quashed and set aside. The third respondent shall issue the caste validity certificate to the petitioner certifying him as belonging to Hindu Thakar Scheduled Tribe, within a period of two weeks from today.

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