

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1518 OF 2012

Hemant Sudhakar Madane

..**Petitioner**

Versus

The Joint Commissioner /
Member Secretary,
Scheduled Tribe Certificate Scrutiny
Committee, Nashik and others

..**Respondents**

Mr. Prakash S. Paranjape, Advocate for the
Petitioner.

Mr. S. G. Karlekar, A.G.P. for Respondent Nos. 1
and 2.

Mr. Anil S. Golegaonkar, Advocate for Respondent
No. 3.

CORAM: S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.

DATE: 21st November, 2018

PER COURT :

1. Mr. Paranjape, the learned Advocate for the
petitioner submits that the tribe certificate
obtained by respondent no. 3 pursuant to which
validity is given by the committee is a forged and
fabricated document. The petitioner had applied to
the Tahsil office - Shindkheda with the copy of
the tribe certificate issued to respondent no. 3.
The office of the Tahsildar - Shindkheda on
17.12.2009 replied that the tribe certificate

allegedly issued to respondent no. 3 does not bear the number and the same does not appear to have been issued by the office of the Tahsildar - Shindkheda. The learned counsel further submits that the committee be directed to initiate the enquiry as the procedure does not appear to have been followed. The petitioner has *locus standi* as respondent no. 3 has filed a criminal case under the Prevention of Atrocities Act, 1989 against the petitioner.

2. Mr. Golegaonkar, learned Advocate for respondent no. 3 submits that the petitioner does not have any *locus standi* to assail the validity granted in favour of respondent no. 3. The office of the Tahsildar in the letter dated 17.12.2009 has only observed that the record is not available and it is not clearly stated by the office of the Tahsildar that the tribe certificate given to respondent no. 3 is not issued by that office. The learned counsel submits that at the time of issuance of validity, the Scrutiny Committee had

directed vigilance to be conducted. The vigilance authority had sought for the record from the office of the Tahsildar - Shindkheda. It was informed by the Tahsildar - Shindkheda that the tribe certificate dated 24.09.1980 has been issued to respondent no. 3 by the office of the Tahsildar - Shindkheda. The learned counsel submits that the paternal cousin of the petitioner has been issued with the validity certificate under the order of the Division Bench of this Court at Nagpur.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. We may not go into the aspect of the locus at this stage. The petitioner has approached this Court challenging the validity as criminal case has been filed by respondents no. 3 against the petitioner.

5. As far as the letter of the Tahsildar dated 17.12.2009 relied by the petitioner is concerned, the letter only states that no record is available

and in view of that the information as sought cannot be provided. The said letter nowhere categorically and specifically states that the certificate has not been issued by the office of the Tahsildar. Moreover, it appears that at the time of issuing validity to respondent no. 3, the committee had directed the vigilance to be conducted. The vigilance committee has approached the Tahsildar. It appears that the Tahsildar had replied to the query of the vigilance about the issuance of the tribe certificate to respondent no. 3, and the Tahsildar - Shindkheda under its letter dated 19.08.2003 intimated the vigilance committee that the office of Tahsildar - Shindkheda has issued the tribe certificate to respondent no. 3 dated 24.09.1980. The learned A.G.P. produced the record issuing validity to the respondent no. 3. The vigilance report submitted also clarifies that they have obtained the confirmation from the office of the Tahsildar that the said certificate has been issued by the office

of the Tahsildar.

6. It also appears that the committee had invalidated the tribe claim of one paternal cousin of the petitioner namely Prajakta against the said decision the said Prajakta approached this Court at Nagpur. The Division Bench at Nagpur allowed the writ petition filed by the said Prajakta under judgment and order dated 10.07.1987, directing the validity to be issued in favour of the Prajakta Baburao Thakur.

7. The committee it appears has followed the procedure while issuing validity to respondent no. 3. Even this Court has directed validity to be given to the paternal cousin of the petitioner namely Ku. Prajakta Baburao Thakur.

8. In the light of above, no case for interference is made out. The writ petition accordingly stands disposed of. No costs.

[R. G. AVACHAT, J.] [S. V. GANGAPURWALA, J.]
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