

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4642 OF 2015

Rohit Yogeshkumar Itai

..Petitioner

Vs.

The State of Maharashtra and Another

..Respondents

Mr. Harshad M. Inamdar, for the Petitioner.

Mrs. Rupali M. Shinde, AGP, for the Respondent State.

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

DATE :- FEBRUARY 14, 2018.

P. C.:

Rule. Rule made returnable forthwith. Heard by consent.

2 It is another case as to how Respondent No.2 Committee is passing the orders contrary to the law laid down by the Division Bench of this Court in the case of **Apurva d/o Vinay Nichale v/s Divisional Caste Certificate Scrutiny Committee No.1 and Others reported in 2010 (6) Mh. L. J. page 401.** The Division Bench has in unequivocal terms held that if the close blood relatives of the candidate have already been granted validity certificate, then, such a candidate cannot be denied

validity certificate.

3 In the present case, the real brother of the Petitioner Itai Abhijit Yogeshkumar has been granted validity vide order dated 4th July, 2009 validating his claim of belonging to Rajput Bhamta -Nomadic Tribe. Not only that, but the Petitioner's father has been granted validity as early as on 27th December, 1991. Though all these facts have been brought on record in the report of the vigilance cell, the same has been totally ignored by the Committee.

4 In that view of the matter, the Petition deserves to be allowed in view of the law laid down by the Division Bench of this Court in the case of **Apurva Nichale (supra)**.

5 Rule is made absolute in the following terms:-

6 The impugned order is quashed and set aside. The Petitioner is hereby declared as belonging to Rajput Bhamta-Nomadic Tribe (Vimukt Jati). The validity certificate shall be issued to the Petitioner within a period of two weeks from today.

(B. P. COLABAWALLA, J.)

(B. R. GAVAI, J.)