

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7544 OF 2018

Shweta Dilip Gaikwad

.... Petitioner

Vs.

State of Maharashtra & Others

.... Respondents

Mr. R.K. Mendadkar with Mr. Tanaji Jadhav,
Ms Komal Gaikwad & Mr. Chintamani Bhangoji
for the Petitioner.

Mr. V.M. Mali, AGP, for the Respondent-State.

Mr. S.M. Kakade, Law Officer, CVC, Nashik, present.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : JULY 18, 2018

P.C:

1. The controversy in this petition is identical to Writ
Petition No.7 of 2007 {**Motilal S/o Namdeo Pawar vs.
Scheduled Tribe Certificate Scrutiny Committee, Nashik &
Others**}, decided on 22-12-2017. The order of the Scrutiny
Committee impugned in the present petition suffers from the
same legal infirmities, contradictions and errors as have been

noticed in the Division Bench Judgment. The Tribe is also identical. The reasoning is also identical in the impugned order. That is on par with the reasoning of the Scrutiny Committee, in relation to the Scheduled Tribe at Entry No.44 of the Second Schedule, Part-IX – Maharashtra, appended to the Scheduled Castes and the Scheduled Tribes Orders (Amendment) Act, 1976, that despite this Amendment Act, the condition of residence in a particular area should be satisfied.

2. For the reasons set out in the Judgment passed in the case of **Motilal Namdeo Pawar** (supra) and the order passed on 28-6-2018 in **Narayan Ganesh Khairnar vs. State of Maharashtra & Others** {Writ Petition No.6891 of 2018}, this petition is allowed. The impugned order dated 30-5-2018 stands quashed and set aside. The Certificate of Validity be issued to the petitioner within one week from today. In addition, the Members of the Committee shall pay costs quantified at Rs.50,000/- (Rupees Fifty Thousand) to the petitioner within 15 days from today and the Members shall personally bear these costs.

3. The petition accordingly stands disposed of.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)

Suresh
Jagdish
Sajnawat

Digitally signed by
Suresh Jagdish
Sajnawat
Date: 2018.07.20
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