

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7535 OF 2018

Govind Balajirao Rautwad ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Sunil Vibhute for Petitioner.

Mr. B. V. Samant, AGP for Respondents – State.

**CORAM : SHANTANU KEMKAR &
N. W. SAMBRE, JJ.**

DATE : JULY 23, 2018

P.C.

. Heard by consent. Taken up for final disposal at this stage.

2. The claim of the Petitioner as belonging to 'Mannervarlu' Scheduled Tribe is negated by the impugned order dated 13th July 2018 passed by the Respondent No. 2 – The Scheduled Tribe Caste Certificate Verification Committee (for short, 'the Committee'), though he has relied upon the validity of his father Balaji Govindrao Rautwad, his uncles Dattatraya Govindrao Rautwad and Digambar Govindrao Rautwad.

3. According to the learned Counsel appearing for Petitioner, the decision of the Committee runs contrary to the Division Bench judgment of this Court in the case of **Apoorva Vinay Nichale v/s Divisional Caste Certificate Scrutiny Committee No.1 and others, reported in 2010(6) Mh.L.J. 401** which was based upon the Supreme Court judgment passed in the case of **Raju Ramsing Vasave v/s Mahesh Deorao Bhivapurkar and others, reported in (2008) 9 SCC 54**. So also the in the case of **"Anand vs. Committee for Scrutiny and Verification of Tribe Claims and Others, (2012) 1 Supreme Court Cases, 113"**.

4. The learned AGP while opposing the claim would urge that in Vigilance Cell enquiry substantial adverse material was noticed against the Petitioner, as according to him, pre-independence entry reflects some other caste/tribe entry.

5. Considered rival submissions.

6. During Vigilance Cell enquiry the oldest document which the Committee could trace is of 1939 in regard to his cousin grand-father Santuka Rautwad in which the entry is not that of Scheduled Tribe. Apart from above, there is a correction in the

caste entry of his grand-father Govind Rautwad some time in 1976.

7. There are pre-independence entry which speaks of the Petitioner not belonging to Scheduled Tribe. This Court noticed that his father Balaji while claiming the validity has suppressed the same from the Committee. That being so, this Court is of the opinion that the Petitioner is not entitled for the relief of issuance of validity certificate at this stage.

8. What is required to be noticed by this Court is, as there is violation of Rule 12(8) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003, as the order impugned was passed on 13th July 2018 against the Vigilance Cell report served on the Petitioner on 2nd July 2018, the Petitioner deserves to be granted an opportunity of hearing. As such, the impugned order is quashed and set aside.

9. The Writ Petition stands allowed accordingly.

10. It shall be open for the Respondent – Committee to take out parallel proceedings in regard to the cancellation of the validity issued to Balaji. In view of the aforesaid observations, both these proceedings can be decided simultaneously.

11. The Petitioner to appear before the Respondent –
Committee on 3rd October 2018.

(N.W. SAMBRE, J.)

(SHANTANU KEMKAR, J.)