

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9075 OF 2018

Aniket Subhash Shinde .. Petitioner
 Versus
 State of Maharashtra and ors .. Respondents

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Mr. R.K. Mendadkar for the petitioner.
 Mr. B.V. Samant, AGP for the State.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H.DANGRE, JJ.
DATED : 13th AUGUST 2018

P.C:-

1 The petitioner's complaint in this writ petition is that a certificate of validity has been issued to the petitioner. That certificate reads as under :-

"CERTIFICATE OF VALIDITY
Case No.3/522/Edu/102017/114063 Date : 09 Aug
2018

After considering the documents and associated facts, it is certified that Shri/Smt/Kum ANIKET SUBHASH SHINDE belongs to the Thakar (44), Scheduled Tribe. Therefore, his/her Scheduled Tribe Certificate bearing No.SDO/89/2010 dated 12 Oct 2010 issued by Collector/Sub Divisional Officer/ deputy Collector/Executive Magistrate SUB DIVISIONAL OFFICER PARNER DIVISION PARNER District Ahmednagar is held VALID by Scrutiny Committee.

Conditional Validity -

This validity as per interim Order of CVC Nashik dated 9/8/18 and is considered equal to regular validity for a period of 2 years or any Final Order Whichever is earlier."

2 We have perused Rule 12(7) and Rule 12(9) sub-clause (a) of the Maharashtra Scheduled Tribes (Issuance and Verification of Caste Certificate) Rules, 2003. We do not find any power conferred by these rules or its sub-rules in the Committee to issue such a conditional certificate of validity. Further, there is no procedure known to these rules and the substantive law by which the Committee is empowered to pass an interim order. It is clear that this conditional validity has been issued as per interim order of Central Vigilance Commissioner Nashik dated 9th August 2018.

3 We do not see how any authority and other than the Competent Authority as also the Scrutiny Committee envisaged by Maharashtra Act No.23 of 2001 can direct the Scrutiny Committee to issue such a conditional certificate of

validity. If at all any such direction is issued, it is the plain duty of the Scheduled Tribe Scrutiny Committee to ignore it.

4 We, therefore, delete the condition as is enumerated in this certificate. The deleted portion will read as under :

Conditional Validity -

This validity as per interim Order of CVC Nashik dated 9/8/18 and is considered equal to regular validity for a period of 2 years or any Final Order Whichever is earlier."

5 By this order, the certificate of validity having been issued, the proceedings before the Scrutiny Committee stands concluded. Now, the Committee will issue a fresh certificate of validity in the prescribed format i.e. "FORM G".

(SMT. BHARATI H. DANGRE, J.) (S.C. DHARMADHIKARI, J.)

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Tilak

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