

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10239 OF 2019

ABHIJEET VIJAYKUMAR SURYAWNSHI
AND ANOTHER

...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND ANOTHER

...RESPONDENTS

Mr. S.C. Yaramwar, Advocate for Petitioners

Mr. P.S. Patil, Additional Government Pleader for Respondents-State

**CORAM : S. V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 06th SEPTEMBER, 2019

ORAL ORDER:

1. The learned Counsel for the petitioners submits that the father of the petitioner has been granted validity under the orders of this Court in Writ Petition No. 7557/2011 dated 18th October, 2011.
2. According to Mr. Patil, the learned Additional Government Pleader, the case of the petitioner is pending with the Committee. The Committee will consider all the aspects of the matter.
3. We would certainly not entertain the present matter, but for the judgment of this Court in Writ Petition No. 7557/2011 dated 18th October, 2011 granting validity to the father of the petitioner of Thakur Scheduled Tribes.

4. This Court in its order dated 18th October, 2011 in Writ Petition No. 7557/2011 while directing validity to be given to the father of the petitioner, observed thus -

Perusal of the file would reveal that the validity certificate has been granted in favour of the petitioner's real brother, by following the due procedure prescribed under the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 and the Rules framed thereunder.

3. When the petitioner's real brother has been held to be validly belonging to Thakur Scheduled Tribe, we do not find it necessary to direct the Scrutiny Committee to again go through the same rigour. We, therefore allow the petition and hold that the petitioner's claim of belonging to Thakur Scheduled Tribe is valid and direct the Scrutiny Committee to issue the caste validity certificate to the petitioner within a period of four (4) weeks from today. Rule is made absolute in the aforesaid terms.

5. This Court had considered the file granting validity in favour of the petitioner's real brother therein and the Court observed that the same was granted after following due procedure prescribed under the Act and the Rules.

6. Considering that the validity certificate of Thakur Scheduled Tribes has been directed to be given to the father of the petitioner by this Court, any further exercise will be futile unless the judgment in Writ Petition No. 7557/2011 is reviewed. The Court while allowing the Writ Petition No.7557/2011 filed by the father of the petitioner has perused all the papers and the file granting validity to the validity holder and thereafter has proceeded to pass the said order.

7. In light of the above, we direct the Scrutiny Committee to issue validity certificate to the petitioners of Thakur Scheduled Tribes within a period of four weeks from today.

8. The Writ Petition is disposed of. No costs.

[ANIL S.KILOR]
JUDGE

[S.V.GANGAPURWALA]
JUDGE

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