

Urmila Ingale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4460 OF 2015

Shri Vilas Babli Atak .. Petitioner
Vs.
State of Maharashtra and ors. .. Respondents

Mr.R.K.Mendadkar, for Petitioner.
Ms.R.M. Shinde, AGP for State.

**CORAM : RANJIT MORE &
M. S. KARNIK, JJ.**

DATE : 28th NOVEMBER, 2019.

ORDER :

. Rule. Rule is made returnable forthwith. Heard finally by consent of the parties.

2. The challenge in this Petition is to an order dated 23/03/2015 passed by respondent No.2 – Scheduled Tribe Certificate Scrutiny Committee invalidating tribe claim of the petitioner as belonging to ‘Thakar’ Scheduled Tribe. It is not in dispute that during the pendency of this Petition, the petitioner’s real sister – Mrs. Nandini Nandkishor More , maiden name - Vandana Babli Atak has been issued with a certificate of validity on 29/08/2019 by the very same respondent No.2 – Scrutiny Committee.

3. In the light of the law laid down by Division Bench of this Court in **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate**

Scrutiny Committee No.1 and others, 2010(6) Mh.L.J. 401 and as the tribe claim of the close blood relative of the petitioner i.e. his real sister has been validated, the petitioner's caste claim needs to be validated. Hence, present Petition deserves to succeed as a caste validity certificate to the close blood relation of the petitioner has already been issued. It is after conducting a detailed enquiry that certificate of validity is issued in favour of the petitioner's real sister and also in favour of the real cousin sister of the petitioner namely Sangita Hanumant Atak @ Vina Vasant Gangavane. This fact is not controverted by the respondents. Present Petition therefore deserves to succeed. Hence, the following order.

ORDER

- i) Petition is allowed. The impugned order is set aside.
- (ii) It is declared that petitioner belongs to 'Thakar' Scheduled Tribe.
- (iii) The respondent No.2 – Committee is directed to issue caste validity certificate in favour of the petitioner within a period of 4 weeks from today.
- (iv) All consequential benefits shall follow.

5. Rule made absolute in the above terms with no order as to costs.

[M. S. KARNIK, J.]

[RANJIT MORE, J.]