

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

WRIT PETITION NO.5496 OF 2014

Yogesh Babubhai Patel

..Petitioner

Versus

State of Maharashtra and others

..Respondents

Mr. R. K. Mendadkar a/w Ms. Priyanka Shaw, Advocate for the
Petitioner.

Mrs. R. A. Salunkhe, AGP for Respondent Nos.1 & 2.

CORAM : B. R. GAVAI &

N. J. JAMADAR, JJ.

DATE : 4th FEBRUARY, 2019

P.C.

1] The Writ Petition arises out of identical facts in Writ
Petition No.3832 of 2014 filed by Ashwin Babubhai Patel, the real
brother of the Petitioner. The said Writ Petition was allowed vide
order dated 17th January 2019.

2] In that view of the matter, present Petition also deserves
to be allowed on the same terms, which are as under :-

- I) The impugned order dated 4th November 2011
passed by the Scheduled Tribe Certificate
Committee – Respondent No.2 is quashed and set

aside. The matter is remitted back to the Scrutiny Committee for considering it afresh on its own merits. Needless to state that the claim will not be rejected only on the ground of migration of the Petitioner from Balsad to Mumbai.

II) Till the claim of the Petitioner is decided and in the event, the order passed by Respondent No.2 – Committee is adverse to the interest of the Petitioner, for a period of three weeks from the date of the receipt of communication and the order, the Petitioner's service shall stand protected.

III) Rule is made absolute in the aforesaid terms with no order as to costs.

[N. J. JAMADAR, J.]

[B. R. GAVAI, J.]