

Sequeira

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

WRIT PETITION NO. 5172 OF 2015

Sumukh Janardhan Vishwe

... Petitioner.

V/s.

State of Maharashtra and Ors.

... Respondents.

Mr. R.K. Mendadkar for the Petitioner.

Mr. M.M. Pabale, AGP for Respondents 1 to 3.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 27 JUNE 2019.

P.C. :-

The Petitioner had obtained a caste certificate as belonging to Thakur-Scheduled tribe. The Petitioner joined the first year Computer Engineering Degree Course in the reserved category. The caste certificate of the Petitioner was sent for verification to the Caste Validity Scrutiny Committee. The Scrutiny Committee called for report of the Vigilance Cell. The Petitioner produced around 25 documents. All of them were showing the entry as Thakur / Hindu

Thakur. The Scrutiny Committee by the impugned order dated 30 April 2015 invalidated the caste certificate holding that the Petitioner has not proved that Petitioner belongs to Thakur, a scheduled tribe.

2. In the school record of Petitioner's father as of 1948 his caste was recorded as 'Thakur' and the Committee has observed that this entry does not clarify whether it is Thakur-Scheduled tribe or Thakur non-tribal. The Scrutiny Committee has noted the documents of the Petitioner and has observed that there exists a Thakur caste and Thakur - Scheduled tribe and mere documents showing entry as Thakur will not suffice. Thereafter the Committee reproduced extracts from books and decisions which are incorporated in almost every other order of the Scrutiny Committee and has proceeded to invalidate the certificate. There is hardly any discussion on merits on the Petitioner's caste claim.

3. The learned counsel for the Petitioner relies on the case of *Ravindra Pralhadrao Khare Vs State of Maharashtra and others* –¹ of the Division Bench of this Court. The Division Bench considered an identical fact situation where an old entry of Thakur in school record of the father of the petitioner therein was discarded by the Scrutiny Committee on the ground that it does not specify a tribe. The Division Bench found the reason to be unsatisfactory and

¹ - [2013(4) Mh.L.J., 406]

remanded the matter to the Scrutiny Committee. We have not been shown any contra decision. In these circumstances, we would follow the decision of the Division Bench in *Ravindra's* case.

4. Accordingly, the impugned order dated 30 April 2015 is quashed and set aside. The matter is remanded to the Respondent-Caste Scrutiny Committee. The Petitioner will appear before the Scrutiny Committee on 25 July 2019, with an authenticated copy of this order. Thereafter the Scrutiny Committee will decide the claim of the Petitioner as per law. We make it clear that we have not commented on the merits of the Petitioner's caste claim.

N.M. JAMDAR, J.

CHIEF JUSTICE