

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

WRIT PETITION NO. 5992 of 2013

Shrikant Namdev Atak

.....Petitioner

versus

The State of Maharashtra and ors.

.....Respondents

Mr. S. C. Yeramwar, advocate for the petitioner.

Ms. G. U. Shinde, AGP for the State.

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

DATE : 21st NOVEMBER, 2019.

P. C. :

1. Heard learned counsel for the petitioner and learned AGP for the State.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner is challenging the order dated 22nd February, 2013, passed by respondent No.2-Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane. By the said order, the petitioner's claim that he belonged to Thakar – Scheduled Tribe was invalidated and the caste certificate dated 6th January, 2003, issued to the petitioner by the Deputy Collector, Sindhudurg, wherein his caste is mentioned as Thakar was cancelled and confiscated.

3. Learned counsel for the petitioner submitted that during the pendency of this petition, the petitioner's cousin brother, by name, Santosh Digambar Atak's claim that he belonged to Thakar -Scheduled Tribe was upheld by respondent No.2-Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane, and he was declared to be belonging to Thakar-Scheduled Tribe. In support of his submission, the petitioner relied upon certificate of validity granted to said Santosh, which is annexed at page 98 of the petition. The petitioner has also filed an affidavit at page 99, wherein he has given the genealogy of his family. The said genealogy shows that the petitioner's father – Namdev and father of Santosh viz. Digambar are real brothers. The caste validity certificate granted in favour of Santosh as well as the said genealogy is not disputed by Ms.Shinde, learned AGP, at this stage.

4. In view of occurrence of subsequent events viz. validity of caste claim of petitioner's cousin brother, we are of the opinion that respondent No.2-Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane, must reconsider the claim of the petitioner.

5. We, accordingly, dispose of the petition by passing the following order :

(a)The impugned order dated 22nd February, 2013, is quashed and set-aside and the matter is remanded back to

respondent No.2 -Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane, for fresh decision on petitioner's caste claim.

(b) Respondent No.2-Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane, is directed to reconsider the petitioner's caste claim independently on its own merits and as expeditiously as possible and, in any case, within a period of six months from the date of receipt of this order.

(c) It is made clear that this order should not be construed as expression of any opinion on merits.

(d) Till reconsideration of petitioner's claim, respondent No.3 shall not take any coercive action against the petitioner on the basis of the order impugned in this petition.

The writ petition stands disposed of.

[M. S. KARNIK, J.]

[RANJIT MORE, J.]