Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1381 OF 2019

IN

WRIT PETITION NO. 8804 OF 2018

Maithili Ramesh Gaikwad & Anr ...Petitioners

Versus

State of Maharashtra & Ors ...Respondents

Mr RK Mendadkar, *for the Petitioners.*
Mr BV Samant, AGP, *for the Respondent-State.*

CORAM: S. C. DHARMADHIKARI & G.S. PATEL, JJ
DATED: 19th June 2019

PC:-

1. This Civil Application is placed before the Court in the following circumstances:

2. Kumari Maithili Ramesh Gaikwad and Tarun Ramesh Gaikwad are the two Petitioners before us in this Petition.

3. They state that this Writ Petition challenges the order dated 24th July 2018 of the 2nd Respondent, Committee invalidating the Caste Certificates issued to these Petitioners certifying them as belonging to Thakar Scheduled Tribe. Hence, the writ petition.

4. There is a common order impugned by the Petitioners in this petition. The writ petition was admitted and an interim order was passed enabling the 1st petitioner to take admission and to prosecute a Master's Degree Course (MBA) by appearing for a common entrance test. The Applicant/Petitioner No.2 appeared for the common entrance test of the Bachelor of Design Degree Course and secured 6179 rank in merit and category merit rank as 170. The Applicant No. 2/ Petitioner No. 2 is invited for counselling on 12th July 2019.

5. Now, the apprehension of the Petitioners is that in the event the Petitioner No. 2 is selected for the National Institute of Fashion Technology courses, he would on the date of counselling be required to produce the Caste Validity Certificate.

6. Presently that is not produced.

7. However, the writ petition is pending. While passing a detailed order on this petition on 8th August 2018, this Court observed that there were no facts and circumstances placed before the Committee to invalidate the claim. This Court noted that in the absence of a proven or established fraud or misrepresentation, the validity certificates issued to close relatives from the paternal side have a distinct evidentiary value. Their probative value is not diminished nor completely lost by a mere allegation that these certificates are vitiated by fraud or misrepresentation. There is no such fraud brought on record. The justification to refuse the validity certificate to the Petitioners before us, being not brought forward, in terms of the order passed in the case of ***Shobha Mahesh Jadhav Alias Shobha Maruti Gaikwad*** and on par with the directions issued therein, we make this writ petition absolute.

8. We quash and set aside the impugned order dated 24th July 2018 and direct the Scrutiny Committee to issue the Caste Validity

Certificates to the Petitioner No. 2 as expeditiously as possible and in any case on or before 10th July 2019.

9. All concerned to act on an authenticated copy of this order.

(S. C. DHARMADHIKARI, J)

(G. S. PATEL, J)