

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
**WRIT PETITION NO. 10203 OF 2018**

|                               |                |
|-------------------------------|----------------|
| Bhushan Pramod Thakur         | .. Petitioner  |
| Vs.                           |                |
| State of Maharashtra and ors. | .. Respondents |

Mr.R.K.Mendadkar a/w Ms.Priyanka Shaw, for the Petitioner.  
Mr.S.B. Kalel, AGP for State.

**CORAM : S.C.DHARMADHIKARI &  
M.S.KARNIK, JJ.**

**DATE : 27<sup>th</sup> FEBRUARY, 2019**

**JUDGMENT (PER M.S.KARNIK, J.) :**

. Rule. The respondents waive service. By consent,  
Rule made returnable forthwith and heard finally.

2. By this Petition filed under Article 226 of the  
Constitution of India, the petitioner is challenging the common  
order dated 20/06/2018 passed by the respondent No.2 –  
Scheduled Tribe Certificate Scrutiny Committee, Nandurbar (for

short 'Committee') invalidating caste claim of the petitioner and that of his brother - Himanshu belonging to Thakur, Scheduled Tribe.

3. The petitioner's brother – Himanshu challenged the common order by way of a separate Writ Petition No. 10327 of 2018 in this Court. This Court vide judgment and order dated 31/01/2019 allowed the Writ Petition No. 10327 of 2018. This Court quashed and set aside the impugned order and declared that the Himanshu belongs to Thakur, Scheduled Tribe. As the common order which is impugned in this Petition is set aside by this Court in Writ Petition No. 10327 of 2018 and now that the directions have been issued to grant a certificate of validity to the petitioner's brother certifying him as Thakur, Scheduled Tribe, for the same reasons, even the present Petition will have to be allowed.

4. The impugned order is quashed and set aside. It is

held and declared that the petitioner belongs to Thakur, Scheduled Tribe.

5. The Respondent No.2 – Committee is directed to issue the validity certificate to the petitioner, certifying that he belongs to Thakur, Scheduled Tribe within a period of 4 weeks from the date of this order. Needless to state that all consequences shall follow.

6. The writ petition is allowed. The order of the Scrutiny Committee is quashed and set aside.

7. The petitioner's admission stands regularised and in the event, the petitioner is eligible for appearance at the examination and his application form is within time, then, the petitioner be given an opportunity to appear at the examination and answer the question papers. In that event, the college to declare the results and need not wait till submission of the Caste Validity Certificate.

8. The Caste Validity Certificate shall be issued within a period of eight weeks from the date of receipt of a copy of this order.

9. The writ petition is disposed of accordingly. Rule made absolute with no order as to costs.

**(M.S.KARNIK, J.)**

**(S.C.DHARMADHIKARI, J.)**