

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7852 OF 2019

Anand Ravindra Pawar	 Petitioner
Vs.	
State of Maharashtra & Others	 Respondents

Mr. Abhineet N.P. for the Petitioner.
Mr. B.V. Samant, AGP, for Respondent Nos.1 & 2.

CORAM: S.C. DHARMADHIKARI &
SANDEEP K. SHINDE, JJ.

DATE : JULY 17, 2019

P.C:

1. This writ petition has been placed before us in the caption "Urgent Admission" as it challenges the order of the Scrutiny Committee, Pune.
2. That order is passed on 1-7-2019 invalidating the claim of the petitioner towards Thakar Scheduled Tribe.
3. The argument of the counsel appearing for the petitioner is that, one Ravindra Rajendra Pawar, the father of

the petitioner, was issued a Certificate of Validity by this very Committee. When a certified true copy of this Certificate was produced, the Committee has taken the same on record but discarded it on flimsy and untenable grounds.

4. If the caste is derived from the father, then, it cannot be that the father is a tribal and the son is not.

5. *Prima facie*, Ravindra Rajendra Pawar is issued a Certificate of Validity. From the genealogy and the family tree, it is not disputed that this Ravindra Rajendra Pawar is the father of the petitioner. The Committee opines that in this case proper and thorough inquiry was not made. In fact in this case the Vigilance Cell inquiry was very perfunctory. In that case, had a proper and thorough inquiry been made, it would have given a startling result. All the documents prior to 1950 are consistent in not carrying the entry Thakar but Maratha and Marathi, so also Bhat. That is why the Committee has decided to issue a show cause notice to the petitioner's father.

6. We do not think that mere issuance of a show cause

notice means the Certificate of Validity issued to the petitioner's father has totally lost its probative value. The show cause notice will have to be adjudicated after the explanation of the petitioner's father is placed on record. In that case, inquiry will have to be held in the event the explanation of the father of the petitioner does not admit the allegation of fraud or misrepresentation of facts. In the circumstances, the ground or reason assigned to deny the Certificate of Validity to the petitioner, when his father was certified as Thakar Scheduled Tribe, is contrary to law. The impugned order is perverse and deserves to be quashed and set aside. It is accordingly quashed and set aside but by a clarification that in the event the show cause notice issued to the petitioner's father Ravindra Rajendra Pawar culminates in an order being passed confiscating that Certificate of Validity and cancelling the Caste Certificate issued to the petitioner's father, then, the petitioner will suffer similar consequence. No equities can be claimed by the petitioner in that event. With this clarification, we direct the second respondent-Committee to issue a Certificate of Validity to the

petitioner on or before 18-7-2019 by 4:00 p.m..

7. In the event the Caste Validity Certificate is not issued before this deadline, all concerned will act on the authenticated copy of this order which itself directs issuance of a Certificate of Validity to the petitioner/student. Thereafter, on receipt of the Certificate of Validity from the second respondent-Committee, within one week the same shall be produced before the Competent Authority, namely, the Principal of respondent No.3-College.

8. With the above directions, the writ petition is disposed of.

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

(SANDEEP K. SHINDE, J.)

(S.C. DHARMADHIKARI, J.)