

psv

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

WRIT PETITION NO.9011 OF 2019

Sanjay S/o. Sitaram Chavan

..Petitioner

Vs.

The State of Maharashtra through
Secretary & Ors.

..Respondents

Mr.Madhur Golegaonkar for Petitioner.

Mr.A.A. Kumbhakoni, Advocate General with Mr.P.P. Kakade,
Government Pleader with Mr.Akshay Shinde, Counsel 'B' Panel for State.

**CORAM : NITIN W. SAMBRE AND
G.S. KULKARNI, JJ.**

DATE : 20th AUGUST, 2019

P.C.:

1. Heard.
2. The order impugned dated 18 July 2019 refusing to grant validity in favour of the petitioner as belonging to 'Thakur', Scheduled Tribe is subject matter of challenge.
3. The real brother of the petitioner namely Shubham, son of Sitaram Chavan was granted validity by virtue of an order dated 3 August 2018 passed in Writ Petition No.13883 of 2017 decided at Aurangabad.
4. It is not in dispute that the respondent-committee has neither sought review nor permission seeking cancellation of the validity granted in favour of Shubham.

5. While dealing with the said judgment of the Division Bench in the matter of Shubham, the committee has overlooked the Division Bench's order by citing reason that the order was obtained after suppressing the material facts.

6. In view of the law laid down by this Court in the matter of **Apporva Vinay Nichale v/s. Divisional Caste Certificate Scrutiny Committee No.1 and others**¹, particularly paragraphs 7 and 9, it will be appropriate in our opinion to quash and set aside the order impugned dated 18 July 2019 with directions to the respondent-committee to grant validity in favour of the petitioner within a period of one week from today.

7. Needless to clarify that this Court has not dealt with the right of the respondent-committee to move for cancellation of the validity granted in favour of real brother Shubham.

8. The petition stands disposed of in the above terms.

[G.S. KULKARNI, J.]

[NITIN W. SAMBRE, J.]

¹ 2010(6) Mh.L.J. 401