

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.5681 of 2019

Nitin Laxman Ashtikar

Versus

The Union of India and others

Office Notes, Memoranda of Coram,
 appearances, Court's orders or directions Court's or Judge's orders
 and Registrar's order

Shri Aparajit Ninawe, Advocate for the petitioner,
 Shri C.J. Dhumne, Advocate for respondent nos.1, 4 to 7,
 Mrs Mrunal Naik, AGP for respondent nos.2 and 3.

Coram : R.K. Deshpande & Vinay Joshi, JJ.

Date : 13.08.2019.

The caste claim of the petitioner for 'Halba', Scheduled Tribe was invalidated by an order dated 15.03.2017. The petitioner preferred Writ Petition No.2920/2017. The petition was dismissed by this Court on 03.06.2019. In the said writ petition, the petitioner did not challenge the vires of the Maharashtra Scheduled Castes, Schedule Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes And Special Backward Category (Regulation of Issuance and Verification of) Caste Certificates Act, 2000. The petitioner has not challenged the decision of this Court by filing SLP before the Apex Court. We cannot now entertain the challenge to the validity of the Act, particularly when it was open for the petitioner to have challenge the same in Writ Petition No.2920/2017. It is barred by constructive *res judicata*. The writ petition is **dismissed**.

(Vinay Joshi, J.)

(R.K. Deshpande, J.)