

Sequeira

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

WRIT PETITION NO. 7635 OF 2017

Jagadish Narayan Suryavanshi .. Petitioner
Vs
State of Maharashtra and others .. Respondents

Mr.R.K.Mendadkar, for the Petitioner.
Mr.R.S.Pawar- Addl. Government Pleader, for Respondent Nos.1 and 2.

*CORAM : NITIN JAMDAR &
M.S.KARNIK, JJ.
Date : 5 March 2020.*

P.C. :

By this Petition, the Petitioner has challenged the order passed by the Respondent -Scrutiny Committee dated 11 May 2017 invalidating the Caste Certificate of the Petitioner dated 13 July 1978 as belonging to 'Thakar' Scheduled Tribe. The issue raised by the Petitioner is that the Scrutiny Committee has not considered the orders passed by the High Court in respect of the Petitioner's blood relatives.

2. It is not necessary to enumerate the facts in details in view of the stand taken by Respondent-Committee on affidavit.

3. A notice was issued in this Petition on 10 July 2017. On 24 January 2020, following order was passed -

‘The learned counsel for the Petitioner seeks to rely upon the validity certificates granted to Mr.Sanjay Gajmal Suryavanshi and Mr.Anant Sanjay Thakur pursuant to the order passed by the Aurangabad Bench of this Court. He seeks time to produce affidavits of Mr.Sanjay Gajmal Suryavanshi and Mr.Anant Sanjay Thakur to the effect they they are relatives of the Petitioner from paternal side. At his request, stand over to 17 February 2020.’

4. The learned Addl.G.P. tendered an additional affidavit. The affidavit is sworn by Nilesh Bhagchand Ahire - Senior Research Officer, Scheduled Tribe Certificate Scrutiny Committee Nandurabar. In paragraph 4 it is stated as -

‘4. I say and submit that, the judgment and order mentioned in the Para 2 of the Additional Affidavit of Petitioner was not on record before the Resp. No.2 – Committee while passing deciding the claim of the Petitioner and this is subsequent development after deciding the claim of Petitioner. Therefore, I humbly say that, if this Hon’ble Court remands the matter back to the Resp. No.2 – Committee by setting aside impugned decision, then the Respondent No.2, Committee will take appropriate decision, after considering the evidence available on record and also in the context of judgment dated 15.7.2019 in Writ Petition No.3605/2018 (Anant Sanjay Suryawanshi Vs. State of Maharashtra) and Writ Petition No.3086/2016 (Sanjay Gajmal

Suryawanshi Vs. State of Maharashtra) passed by this Hon'ble Court.'

In view of this stand taken, the Respondent-Scrutiny Committee will reconsider the case of the Petitioner.

5. The impugned order dated 11 May 2017 is quashed and set aside. The proceedings are restored to the file of the Respondent-Scrutiny Committee and to be disposed of as per law. All contentions on merits are kept open.

6. The Scrutiny Committee will make an endeavour to dispose of the proceedings at the earliest and after the conclusion of the hearing, pass an order within period of two months.

7. If the decision on remand is favourable to the Petitioner, liberty to the Petitioner to make a representation to Respondent No.3- the employer for releasing the benefits if they are withheld only on the ground of non-submission of validity certificate.

M.S.KARNIK, J.

NITIN JAMDAR, J.