

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 281 OF 2021

Atharva S/o Ganesh Pawar

...Petitioner

Versus

Directorate of Technical Education,
Mumbai and Ors.

...Respondents

Mr M.S. Deshmukh, Advocate for Petitioner
Mr S.R. Yadav (Lonikar), A.G.P. for Respondent-State

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 11th JANUARY, 2021

PER COURT :

1. The caste claim of the petitioner as 'Thakur – Scheduled Tribe' is invalidated.
2. Mr Deshmukh, the learned Counsel for the petitioner submits that the five paternal relatives of the petitioner are issued with the validity certificates of 'Thakur – Scheduled Tribe'. One Priyanka d/o Nandkumar Thakur is issued with the validity certificate under the orders of this Court dated 30th July, 2019 in writ petition No. 8297/2019 after considering all the documents.
3. The learned Counsel submits that the Committee has also not disputed the relationship of the present petitioner with Priyanka d/o

Nandkumar Thakur. According to the learned Counsel, the only reason for not accepting the judgment delivered by the Division Bench of this Court at Principal Seat in writ petition No. 8297/2019 dated 30th July, 2019 is that the Committee has preferred review petition of the said judgment. According to the learned Counsel, the judgment delivered in case of Priyanka d/o Nandkumar Thakur is still holding the field.

4. The learned Assistant Government Pleader submits that the contra entries appearing since the year 1912 of Bhat, Brahmabhat were not considered while this Court at the Principal Seat allowed the writ petition No. 8297/2019. The Committee has considered the said aspect.

5. It appears from the judgment that the Scrutiny Committee has not disputed that the present petitioner is paternal cousin of Priyanka d/o Nandkumar Thakur. The caste claim of Priyanka d/o Nandkumar Thakur was invalidated by the Committee. She filed writ petition bearing No. 8297/2019 before the Principal Seat at Mumbai. The Division Bench of the Principal Seat under judgment and order dated 30th July, 2019 allowed the said writ petition setting aside the judgment of the Scrutiny Committee and directed the Committee to issue validity certificate to the petitioner of 'Thakur – Scheduled Tribe'. The judgment is not yet reviewed. The said judgment is still valid.

6. In light of the above and for the reasons given in the judgment dated 30th July, 2019 in writ petition No. 8297/2019, we pass the following order :-

ORDER

- (i) The impugned judgment and order is quashed and set aside.
 - (ii) The Scrutiny Committee shall issue the validity certificate to the petitioner of 'Thakur – Scheduled Tribe'.
 - (iii) The said validity certificate shall be subject to the decision that would be taken by the Division Bench at the Principal Seat in review petition (stamp) No. 27370/2019 and I.A. No.1616/2019 filed by the Committee in case of Priyanka d/o Nandkumar Thakur.
7. Writ petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

mta