

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.177 OF 2006
WITH
INTERIM APPLICATION NO.3116 OF 2021
WITH
CIVIL APPLICATION NO.299 OF 2019
WITH
CIVIL APPLICATION NO.1076 OF 2006
WITH
CIVIL APPLICATION NO.3031 OF 2015

Vinay Pandurang Rangsur ... Petitioner
Versus
State of Maharashtra
Through its Secretary,
Tribal Development
Department, Mantralaya
And Others ... Respondents

Mr. C.K. Bhangoji i/b R.K. Mendadkar for the Petitioner.
Ms. M.S. Bane, AGP for Respondent Nos.1 to 5.

CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.

DATE : 16 DECEMBER, 2021

P. C. :

. The petition, namely, Writ Petition No.177 of 2006 was filed in this court challenging the order of the Respondent-Scrutiny Committee ("Committee") on 26 September 2005. The claim of the Petitioner that he belongs to Thakar, Scheduled Tribe was submitted

to the committee for validation. In support of his claim, the Petitioner submitted as many as seventeen documents. These documents were in the nature of school leaving certificate, birth certificate and certain extracts of revenue records. The Petitioner has also placed on record genealogical tree, a copy of the same is placed on record at page-178 of the petition. Perusal of the genealogical tree shows that Baburao Pandurang Rangsur was having three sons and one daughter. Pandurang Rangsur, the father of the Petitioner is one of them. Two other sons, namely, Mahadeo and Sakharam and one daughter Prema. Then there is a reference to cousin brother and sister of the Petitioner, in the genealogical tree, namely, Vaibhav and Pratishtha, respectively, i.e. son and daughter of Mahadeo.

2 While assessing the claim of the Petitioner, the committee made reference to certain orders of this court and on two grounds, the claim of the Petitioner was invalidated. The first ground was area restriction. The first ground reflected in paragraph-10, clause (a) of the order reads thus :-

“10. The observations of the Scrutiny Committee on applicants claim are as follows.

(a) It is undisputed that the Thakar community of the Sindhudurg (erstwhile Ratnagiri) district was declared as a Nomadic Tribes by the Government of Maharashtra vide its Government Resolution dated 21 November 1981.”

3 It can be safely said that this ground was in relation to the

area restriction imposed at the prevalent time. The second ground was of inability of the Petitioner to establish his claim on the traits of the community.

4 Mr. Bhangoji, learned Counsel appearing for the Petitioner invited our attention to documents placed on record, namely, Interim Application No.3116 of 2021 and a copy of the validity certificate at Exhibit 'D', issued to Pratishtha Mahadeo Rangsur (cousin sister of the Petitioner). Then there is the order passed by the Division Bench of this Court in Writ Petition No.6612 of 2015 dated 15 July 2019, placed on record at Exhibit 'E' page 21 of the application in the matter of Vaibhav Mahadev Rangsur (cousin brother of the Petitioner). Perusal of the order passed by the Division Bench of this court dated 15 July 2019 shows that on an identical ground, the claim of Vaibhav Rangsur was invalidated by the committee and the Division Bench by referring to the validity certificate issued to the sister of Vaibhav, i.e. Pratishtha and further by observing that insistence on area restriction for rejection of the claim by the committee is unsustainable, allowed the petition of Vaibhav and directed the committee to issue certificate of validity to the Petitioner Vaibhav within stipulated period of eight weeks from the date of the order.

5 Considering the above referred fact, we are of the opinion that the order passed by the committee invalidating the claim of the Petitioner, challenged in Writ Petition No.177 of 2006 is certainly unsustainable. Accordingly, the petition is partly allowed and the

order passed by the committee is quashed and set aside. The committee is directed to decided the claim of the Petitioner-Vinay Pandurang Rangsur afresh as early as possible and not later than twelve weeks from the date of receipt of the order.

6 Learned Counsel appearing for the Petitioner submits that the interim order passed by this court, Respondent No.4-employer issued certain communication to the Petitioner. Respondent No.4 is directed not to initiate any coercive action against the Petitioner till the Scrutiny Committee decides the claim of the Petitioner afresh.

7 The Petitioner undertakes to appear before the Scrutiny Committee on 22 December 2021 along with all necessary documents in support of his claim. In view of the willingness shown by the Petitioner to appear before the committee, the requirement of issuing notice to the Petitioner is dispensed with.

8 In view of the disposal of the writ petition, the pending Interim Application and the Civil Applications are dismissed as do not survive.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)