

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.346 OF 2020
ALONG WITH
INTERIM APPLICATION (STAMP) NO.224 OF 2021
IN
WRIT PETITION NO.346 OF 2020**

Aarti
G.
Palkar

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Mahesh Dilip BhosalePetitioner/Applicant
vs.
The State of Maharashtra & Ors.Respondents

Mr. R.K. Mendadkar i/by Mr. C.K. Bhagoji for the Petitioner/Applicant.

Smt. P.N. Diwan, AGP for Respondent Nos.1 to 3.

**CORAM : S. C. GUPTA AND
SURENDRA P. TAVADE, JJ.**

DATE : 11 FEBRUARY 2021

P.C.

1. Learned counsel for the Applicant/Petitioner does not press the interim application. The interim application is accordingly disposed of as not pressed.
2. Heard learned counsel for the Petitioner and learned AGP for the Respondent-State. Rule. Rule taken up for hearing forthwith by consent of counsel.
3. The subject matter of the present petition is validation of the Petitioner's caste claim. The Petitioner claims to be belonging to the Scheduled Tribe of 'Thakar'. His challenge in the present petition is to an order passed by Respondent No.2-Scrutiny Committee rejecting his tribe validity claim. It appears that after the impugned order was passed in a writ petition filed by the Petitioner's cousin sister (Writ Petition No.12532 of

2015) challenging the Scrutiny Committee's order invalidating her claim of belonging to the Scheduled Tribe of 'Thakar', the committee's order was quashed and set aside and the matter was remanded to the Scrutiny Committee for a fresh consideration in accordance with law. On remand, the Scrutiny Committee has issued a validity certificate to her for the Scheduled Tribe of 'Thakar'. The Petitioner has also annexed orders passed by the Scrutiny Committee validating the tribe claims of atleast four close paternal blood relations of him since.

4. On these facts, the impugned order passed by Respondent No.2-Scrutiny Committee in the Petitioner's case deserves to be quashed and set aside and the matter remanded to the Scrutiny Committee for a fresh consideration in accordance with law in a time bound manner.

5. Accordingly, we make Rule absolute and allow the petition by quashing and setting aside the impugned order dated 02.11.2015 of Respondent No.2-Scrutiny Committee and remitting the application of the Petitioner for validating of his tribal claim to Respondent No.2 for a fresh consideration in accordance with law and in the light of orders passed in the case of his close blood relations. Respondent No.2 shall consider the application on remand as expeditiously as possible and preferably within a period of eight weeks from today.

6. The petition is disposed of in the above terms.

(SURENDRA P. TAVADE, J)

(S.C. GUPTE, J.)