

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

**INTERIM APPLICATION NO. 696/2021
IN
WRIT PETITION NO. 578/2017**

Nitin Shivadas Khairnar .. Applicant
vs.
State of Maharashtra & Ors. .. Respondents

.....
Mr. Ramchandra K. Mendadkar for the Applicant.
Mr. S. S. Panchpor, AGP for the State.
Mr. Prashant Kamble i/b A. S. Rao for Respondent No. 3.
.....

**CORAM: K.K.TATED, &
ABHAY AHUJA, JJ.**

DATED : MARCH 25, 2021

P.C.

. Heard.

2. Leave to amend. Amendment to be carried out during the course of a day.

3. By this Interim Application, the Applicant is seeking an order against Respondent-Committee to decide the Applicant's application for issuing caste validity certificate on its own merits by setting aside the earlier order dated 17/10/2016 in view of the subsequent development.

4. The learned counsel for the Applicant submits that during the pendency of the present petition, this Court by order dated 28/06/2018 in Writ Petition No. 6891/2018 issuing validity certificate to one of the blood relative of the

Applicant real nephew i.e. Mr. Narayan Ganesh Khairnar who is son of the real brother of the Applicant. He submits that in view of this subsequent developments, the Applicant has preferred the present application.

5. In the present proceeding, Respondent No.2 has filed an affidavit in reply dated 18/03/2021 admitting the fact that the Applicant's blood relative granted caste validity certificate in view of the order dated 28/06/2018 in Writ Petition NO. 6891/2018. Paragraph 3 of the said affidavit in reply reads thus:

"3. It appears from the captioned Interim Application, the Applicant seeking to set aside the order dated 17th October, 2016, passed by the Respondent No.2 thereby invalidating caste certificate of the Applicant belonging to the Thakur, Scheduled Tribe in lie of the order 28th June, 2018, passed by the Division Bench of this Hon'ble court, in the Writ Petition bearing no. 6891 of 2018. As per the said order dated 28th June, 2018, Respondent No.2, issued validity certificate to one of the blood relatives of the Applicant namely Narayan Ganesh Kairnar who is son of real brother of the Applicant (Exhibit "A" to the Interim Application)"

6. On the basis of all these submissions, the learned counsel for the Applicant submits that this Hon'ble Court be pleased to allow the present application.

7. It is to be noted that in the present proceedings, the Petitioner has file Writ Petition No. 578/2017 challenging the order dated 17/10/2016 passed by Respondent No.2-

Committee rejecting the Applicant's application for issuing caste validity certificate. During the pendency of the present writ petition the caste validity certificate is issued in favour of the Applicant's blood relative in lieu of the order dated 28/06/2018 passed by this Court in Writ Petition No. 6891/2018.

8. Considering these facts and an affidavit in reply filed by Respondent No.2, we are satisfied that the Applicant has made out a case for allowing this Application. Hence, the following order:

a. The order dated 17/10/2016 passed by Respondent No. 2-Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane in case No. DD/TCSC/SEA/Thane 856/2012 is set aside.

b. The matter is remanded back to Respondent No.2-Committee to decide the Applicant's application for issuing caste validity certificate on its own merits after hearing both sides.

c. Liberty granted to the Applicant to place on record an additional documents if any, before the caste Scrutiny Committee within one month from today.

d. The Caste Scrutiny Committee is directed to decide the Applicant's application for issuing caste validity certificate, on its own merits as early as possible, but in any case, on or before 30/09/2021

- e. Ad-interim granted earlier by order dated 18/01/2017 in Writ Petition No. 578/2017 to continue till the decision of the Committee.
- f. Parties to act upon authenticated copy of this order.

(ABHAY AHUJA, J.)

(K.K.TATED, J.)