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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5167 OF 2013

Yojana Eknath Vaite] .. Petitioner
vs.
The State of Maharashtra & Ors.] .. Respondents

Mr.R.K. Mendadkar, for Petitioner.

Mr.P.G. Sawant, AGP for Respondent Nos.1 and 2.

Mr.Jitendra Oak i/b A.A. Garge for Respondent No.3.

**CORAM : PRASANNA B. VARALE &
N.R.BORKAR, JJ.**

DATE : 5th OCTOBER, 2021

P.C.

1] Heard learned counsel for the parties.

2] By way of present Petition, the Petitioner challenges the order passed by Respondent No.2-Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, dated 16.05.2023, whereby the claim of the Petitioner that she belongs to scheduled tribe 'Dongar Koli' is rejected.

3] A perusal of record shows that vide order dated 20.06.2013 a reference was made to the grounds raised in the Petition and direction was given to the respondents not to take any adverse action against the Petitioner during the pendency of the Petition.

4] By inviting our attention to the additional affidavit filed on 10.02.2015 , learned counsel for the Petitioner submitted that recently a validity certificate is issued in favour of daughter of brother of the petitioner viz Aditi Satish Vaite. The statement finds place in para 3 of the additional affidavit and it reads thus :

“I say that pending admission of the abovesaid Writ Petition filed by me, the tribe claim of my blood relative from paternal side namely Aditi Satish Vaite, came to be adjudicated and validated by the respondent No.2 committee itself and was further pleased to issue certificate of validity dated 01.02.2019.”

5] Copy of the validity certificate in favour of Aditi Satish Vaite is placed on record at Exhibit A (Page 49) alongwith the additional Affidavit . Learned counsel for the Petitioner has invited our attention to the copy of Family Tree of the petitioner. Perusal of the Family Tree shows that Satish is real brother of the petitioner and Aditi Satish Vaite to whom the Validity Certificate has been granted is daughter of Satish.

6] The learned counsel for the petitioner also invited our attention to the copy of Affidavit placed before the committee as prerequisite at the time of filing of claim application before the Committee. In the said Affidavit dated 01.03.2007, there is reference of Satish as brother of the petitioner.

7] In view of the above referred material/documents as well as by placing reliance on the Judgments of this Court, the learned counsel for the petitioner prayed for remand of the caste claim of the petitioner to the Scrutiny Committee for deciding it afresh.

8] On perusal of the above referred material, we are of the opinion that there is considerable merit in the submission of the learned counsel for the petitioner. The petitioner can certainly place reliance on this latest document in the form of validity certificate issued in favour of blood relative i.e. daughter of brother of the petitioner Aditi Satish Vaite. In view of this fact, following order is passed :

- i] Writ Petition is partly allowed.
- ii] The order impugned dated 16.05.2023 passed by Respondent No.2-Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, is hereby quashed and set aside.
- iii] Respondent No.2-Scrutiny Committee is directed to adjudicate and decide the caste claim of the petitioner afresh as expeditiously as possible, but not later than 8 weeks from the date of appearance of the petitioner before the committee .
- iv] The petitioner is directed to appear before the Respondent No.2- Scrutiny Committee on 21.10.2021 with all necessary documents.
- v] Needless to state that the interim orders passed by this Court in favour of the petitioner shall continue to operate till the decision of the Scrutiny Committee.
- vi] Writ petition is disposed of in above terms.

[N.R.BORKAR, J]

[PRASANNA B. VARALE, J]