

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

**WRIT PETITION NO. 10202 OF 2018
WITH
CIVIL APPLICATION NO. 849 OF 2019
IN
WRIT PETITION NO. 10202 OF 2018**

Shubham Ashok Nikam

... Petitioner/
Applicant

Versus

Director of Technical Education,
Maharashtra State and Ors.

... Respondents

Mr. Sagar Phatale h/f Mr. Anoop U. Patil for the Petitioner.
Mrs. P. J. Gavhane, AGP for the State-Respondent Nos. 1 and 2.

**CORAM: R. D. DHANUKA AND
R. I. CHAGLA, JJ.**

**DATE : 20th JULY, 2021.
(Through Video Conference)**

P.C. :-

. Admit. Learned AGP for the respondent nos. 1 and 2 waives service.

2. Learned counsel for the petitioner on instruction states that since the petitioner has already taken admission in some other college, no reliefs are pressed against the respondent nos. 3 and 4. Statement is accepted.

3. By this petition filed under Article 226 of the Constitution of India, the petitioner has impugned the order dated 28th August, 2018 passed by the respondent no.2-committee invalidating the caste claim of the petitioner who belongs to caste 'Thakur (Schedule Tribe)'. The

cousin of the petitioner also had claimed the said caste before the Scrutiny Committee. The Scrutiny Committee passed a common order on 28th August, 2018, rejecting the caste claim of the petitioner as well as the cousin of the petitioner i.e. Tanushree Dilip Nikam.

4. The said cousin Tanushree Dilip Nikam filed a Writ Petition bearing No. 13417 of 2018 before the Aurangabad Bench of this Court *inter-alia* challenging the said order passed by the Scrutiny Committee. By an order dated 8th November, 2019 passed by the Aurangabad Bench of this Court, the impugned order insofar as the said Tanushree Dilip Nikam is concerned, is quashed and set aside. The committee has been directed to issue validity certificate to the said Tanushree Dilip Nikam as belonging to 'Thakur (Schedule Tribe)'.

5. The matter was adjourned by this Court on 12th July, 2021 to enable the learned AGP to make statement whether the issue involved in this petition is covered by the said judgment delivered by the Aurangabad Bench of this Court in the said petition filed by Tanushree Dilip Nikam or not on the next date. Learned AGP on instruction states that she has gone through the judgment dated 8th November, 2019 delivered by the Aurangabad Bench of this Court in the said Writ Petition No. 13417 of 2018 filed by the Tanushree Dilip Nikam v/s. State of Maharashtra. She states that the said judgment would apply to the facts and circumstances of this case. Statement is accepted. Learned AGP does not dispute that the said Tanushree Dilip Nikam was the cousin of the petitioner.

6. In our view, the said judgment dated 8th November, 2019 in favour of the Tanushree Dilip Nikam setting aside the order passed by the Scrutiny Committee and directing the Scrutiny Committee to issue

caste claim belonging to 'Thakur (Schedule Tribe)' applies to the facts of this case.

7. We accordingly pass the following order :-

- i. Writ Petition is made absolute in terms of prayer clause (a). Respondent No.2-committee is directed to issue certificate of validity in the prescribed form in favour of the petitioner as belonging to 'Thakur (Schedule Tribe)' within four weeks from today without fail.
- ii. Rule is made absolute in aforesaid terms. No order as to costs.
- iii. In view of the disposal of the Writ Petition, Interim Application No. 849 and 2019 does not survive and is accordingly disposed off. No order as to costs.

[R. I. CHAGLA, J.]

[R. D. DHANUKA, J.]