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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4978 OF 2021

Snehal S/o Arun Gadage,
Age : 23 years, Occu. Service,
R/o Gandhi Chowk, Bilolli,
Tq. Billoli, Dist. Nanded

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai-32
2. The Scheduled Tribe Certificate
Verification Committee Aurangabad,
Through its Member Secretary,
Aurangabad
3. The Collector,
Collector Office,
Aurangabad

Mr. O.B. Boinwad, Advocate for petitioner;
Mr. P.K. Lakhotiya, A.G.P. for respondents

**CORAM : R.D. DHANUKA
AND
S. G. MEHARE, JJ.**

DATE : 7th March, 2022

ORAL JUDGMENT (Per S. G. Mehare, J.)

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1. Rule. Learned A.G.P. for the respondents waives service. Rule made returnable forthwith. By the consent of the parties heard finally.

2. The petitioner has impugned the order of rejecting his tribe validity claim by respondent no.2.

3. The facts in brief of the petition are as under,

The petitioner belongs to 'Koli Mahadeo' Scheduled Tribe. He was a Typist-cum-Clerk in the establishment of respondent no.3 from 29.03.2017. The proposal for his tribe validity was referred to respondent no.2 by his employer. However, by the impugned order, his tribe validity is declined.

4. The learned Counsel for the petitioner submits that the impugned order is illegal on the face of the record. Respondent no.2 did not consider the caste validity certificate of around 11 members of his family. The reasons assigned to the rejection of the validity certificate are against the settled law. The impugned order is without application of mind. The

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same order was assailed by the other party in another writ petition. A Co-ordinate Bench of this Court was pleased to set aside the impugned order and directed respondent no.2 to issue the validity certificate. He placed the copies of those orders on record.

5. The learned A.G.P. Shri Lakhotiya could not distinguish the view taken by a Co-ordinate Bench. He, however, submits that the rider imposed in those orders may be considered.

6. A Co-ordinate Bench of this Court has dealt with the same order impugned before this Bench in W.P. Nos.8341/2021 and 4996 of 2021. It has been observed in Petition No. 8341/2021 in paragraph no.5 as under,

“ 5. Once this court has granted validity to real sister and brother of the petitioner no. 5 and real uncle of the petitioner No.1, it was unjust on the part of respondent Committee to invalidate. All the petitioners are paternal relatives of each others. The respondent/ Committee could not have taken a different view and sat over the judgment of this court.”

7. The impugned order reveals the name of the petitioner at serial no. 6. For the same reason, her claim is declined by respondent no.2. The issue involved in this petition is squarely covered by the judgments relied on by the petitioner. We do not propose to take a different view.

8. The impugned judgment and order is accordingly set aside. The Committee shall issue Tribe validity certificate to the petitioner of 'Koli Mahadeo' immediately within two weeks from today. In case the judgments of this court are reviewed, then validity issued in favour of the present petitioner would be subject to the decision in the said proceedings.

9. Rule is made absolute in terms of prayer clauses A and B. No costs.

(S. G. MEHARE, J.)

(R.D. DHANUKA, J.)

amj