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

906 WRIT PETITION NO.9763 OF 2022

**RUSHIKESH VIJAY SURADKAR AND ANOTHER
VERSUS
STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND ANOTHER**

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Mr S. S. Phatale, Advocate for petitioners;
Mr S. K. Tambe, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 23rd September, 2022

PER COURT:

1. Both these petitioners claim to be the students and have put forth prayer clauses (a) and (b), which read as under :-

“a. that this Hon’ble Court be pleased to issue a writ of mandamus and or any other writ, order or direction in the nature of mandamus directing the Respondent No. 2 committee to forthwith issue caste validity certificates in view of similar caste validity certificates are issued in favour of their blood relatives from paternal side in view of law laid down by this Hon’ble court in the case of Apoorva Nichalev. DCCSC and ors. Reported in 2010 (6) MH.L.J. 401.

b. that this Hon’ble Court be pleased to issue a writ of mandamus and or any other writ, order or direction in the nature of mandamus directing the Respondent No. 2 committee to decide tribe claim of the petitioner in the light

(2)

of law laid down by this Hon'ble Court in the case of Apoorva Nichale vs. DCCSC and ors. Reported in 2010(6) Mh.L.J. 401."

2. In **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1, Nagpur, 2010 (6) Mh.L.J. 401 : AIR 2010 (6) BOM R 21**, the Hon'ble Supreme Court has concluded that, if there are series of validities in the family and especially amongst the blood relatives, the Scrutiny Committee is not required to consider the case before it as a stand alone case, since the Vigilance Enquiry Reports in the cases, in which validities are granted, make the task of the applicant easier.

3. In the instant case, we find that the following facts are suppressed from this Court, though a prayer has been made that, a direction be issued to the Committee, to decide the tribe claim of the petitioners in the light of Apoorva Vinay Nichale (supra) :-

(a) The real uncle (father's biological brother), namely, Shri. Sanjay Vasant Suradkar, cousin uncle (father's cousin brother), namely, Shri. Manohar Sandu Thakur, have suffered orders of invalidation.

(3)

(b) One cousin sister from the paternal side of the petitioner's father, namely Radhika Manoj Suradkar, has also suffered rejection of validation claim.

These facts have been suppressed in the pleadings in the petitions.

4. The petitioner's father Shri. Vijay Vasant Suradkar is in service in the Central Government, having joined in 1991. His biological brother, namely, Shri. Sanjay Vasant Suradkar suffered invalidation. Shri. Vijay Suradkar has now moved the Nashik Committee for seeking validation of his claim, after being in service of the Central Government for 31 years. This has also been suppressed from this Court.

5. The petitioner has pointed out an order passed by the Hon'ble Supreme Court in **Dilip Vithhal Bambale and others vs Vinitkumar Motiram Totlod and others**, dated 18/08/2017, by which, the Committee is directed to decide the claims of the candidates belonging to the Scheduled Tribe category within two weeks. We have perused the earlier orders passed by the Hon'ble Supreme Court, dated 06/09/2017 in Dilip Vitthal Bambale and others (supra), in Civil Appeal No.11234-48/2017. It was noted

(4)

that, the Aurangabad Bench of the Bombay High Court had granted interim relief to the petitioners, on the basis of which, they secured admissions to Professional Courses. On page 4 of the order, the Hon'ble Supreme Court noted as "*Before parting with the case, we are obliged to say that the Division Bench of the High Court has been absolutely ill-advised to pass such an interim order. The same is hereby set aside*".

6. In view of the said situation, the Hon'ble Supreme Court, while protecting the admissions of the students, directed the Committee, to decide the claims within two weeks.

7. In **Kishor Samrite Vs. State of Uttar Pradesh, (2013) 2 SCC 398**, the Hon'ble Supreme Court has concluded that, relief ought not to be granted to a litigant for suppressing the material information. Similar is the view taken in **Bhaskar Laxman Jadhav Vs. Karmveer Kakasaheb Wagh Education Society, (2013) 11 SCC 531**.

8. In view of the above, we would not direct the Committee, to decide the claims of the petitioners in the light of Apoorva Vinay Nichale (supra), since there are 3 invalidities amongst the closest blood relatives of the petitioner's father.

9. In the case before us, the petitioners are not yet admitted to any Professional Course. The prayer of the petitioners requesting that the Committee should decide the claims of the petitioners when the Vigilance Enquiry is still pending, within 15 days, cannot be entertained, as it would virtually amount to making the Committee rush through the matter and come to a hurried decision in view of the fact that, there are 3 invalidities in the closest blood relatives of the petitioners. The request of the learned A.G.P. is, that the cases can be decided within six months. We are directing the Committee to decide the same within four months.

10. This petition is disposed off.

11. Let the Committee decide the claims of these petitioners with appropriate scrutiny and adjudication, on or before 30/01/2023.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

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