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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3768 OF 2022

Anurag Ajit Gaikwad .. Petitioner

v/s.

State of Maharashtra Through Secretary
Tribal Development Dept. And Ors. .. Respondents

....

Mr. R.K. Mendadkar, a/w. Mr. C.K. Bhangoji and Ms. Komal Gaikwad,
for the Petitioner.

Mrs. P.J. Gavhane, AGP, for State.

....

CORAM: SUNIL B. SHUKRE &
G.A. SANAP, JJ.

DATE : 31 MARCH 2022

P.C:-

Heard.

2. Rule. Rule made returnable forthwith. Heard finally by
consent of the parties present before the Court.

3. We find that validity certificates - issued to Ajit Janardan
Gaikwad and Shital Bajrang Gaikwad, both paternal relatives of the
Petitioner already exist in the family of the Petitioner. Ajit is the father

of the Petitioner and Shital is the cousin paternal aunt of the Petitioner. These two persons, being the blood relatives of the Petitioner from the paternal side, can be seen from the genealogy tree.

4. Learned Counsel for the Petitioner submits that even though these validity certificates were produced before the Scrutiny Committee and stood as conclusive evidence of the claim by the Petitioner as he belonging to Thakar Scheduled Tribe, the Scrutiny Committee simply ignored these two documents.

5. On going through the impugned order, we find substance in the contention of the learned Counsel for the Petitioner. As regards the proposition of law propounded by him, a useful reference can be made to the judgment of this Court in **Bharat Bhagwant Tayade vs. State of Maharashtra & Ors.**¹.

6. Therefore, it was bounden duty of the Scrutiny Committee to consider such an important evidence conclusively showing the tribe of the Petitioner and grant him validity certificate. But, the Scrutiny Committee failed to do so. And, this was when the Scrutiny Committee did not find that those validity certificates were vitiated by fraud or mis-representation or suppression of facts.

¹ Writ Petition No.11617 of 2017, decided on 15 March 2022.

7. We also notice that the Scrutiny Committee has not considered some judgments cited before it. They are as follows:

1. **Anita Atmaram Gaikwad vs. State of Maharashtra & Ors.**² and
2. **Apoorva, d/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 & Ors.**³.

8. In the result, we allow the petition.

9. The impugned order is hereby quashed and set aside. The petition is remanded back to Respondent No.2 for a fresh decision in the matter, bearing in mind the above referred observations and upon consideration of the judgments cited before it and in accordance with law. The decision shall be rendered by Respondent No.2 as expeditiously as possible and in any case within two weeks from the date of appearance of the Petitioner before Respondent No.2. The Petitioner shall appear before Respondent No.2 on 4 April 2022.

10. Rule is made absolute in the above terms. No costs.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

² Civil Appeal No. 3881 of 2013 decided on 16 April 2013.

³ 2010(6) Mh.L.J. 401.