

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 332 of 2022

Rajendra Panditrao Wardekar

vs.

The Scheduled Tribes Caste Scrutiny Committee, through its
Member Secretary and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.S.Parsodkar, Advocate for petitioner.

Shri D. P. Thakre, Additional Government Pleader for respondents/State.

CORAM :- A.S.CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE :- JULY 06, 2022

P.C.

Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The petitioner has challenged the order of invalidation dated 12.08.2021 passed by the Scrutiny Committee. It is common ground that the petitioner's son Saurabh had filed Writ Petition No. 5805/2017 which was decided on 15.01.2019. Therein, the order of invalidation passed by the Scrutiny Committee was set aside and it was held that the petitioner's son belongs to 'Thakur' Scheduled Tribe.

3. In the light of this adjudication which has not been stated to be further challenged, the petitioner would be entitled to similar relief in the light of the judgment in the case of *Apoorva d/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee, No.1 and ors. 2010(6) Mh.L.J.401.*

4. Hence for the reasons assigned in Writ Petition No.5805/2017 with connected writ petition, the order passed by

the Scrutiny Committee dated 12.08.2021 is set aside.

It is declared that the petitioner belongs to 'Thakur' Scheduled Tribe. The Scrutiny Committee shall issue a validity certificate to the petitioner within a period of six weeks from the receipt of copy of this order. The respondent nos.2 and 3 shall release the retiral benefits of the petitioner accordingly.

Rule accordingly. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

Andurkar.