

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

WRIT PETITION NO. 924 OF 2006

Amit S/o Baliram Wagh,
Age : 19 Years, Occu. : Student,
R/o 42, Jagannath Nagar,
Nawal Naka, Nandurbar,
Tq. and Dist. Nandurbar.

.. Petitioner

Versus

1. The State of Maharashtra,
Through the Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
 2. The Scheduled Tribe Caste
Certificate Scrutiny Committee,
Adiwasi Vikas Bhavan, Nasik.
 3. The Sub Divisional Officer
Dhule Sub Division, Dhule.
 4. The Collector,
Collectorate, Dhule.
 5. The Director of Technical Education
Maharashtra State, Mumbai.
 6. The Principal,
College of Engineering and
Technology, Bambhori, Jalgaon.
 7. North Maharashtra University,
Jalgaon, Through its Registrar.
- .. Respondents

Shri A. S. Golegaonkar, Advocate for the Petitioner.
Shri S. B. Yawalkar, Addl.G.P. for the Respondent Nos. 1 to 5.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 13 OCTOBER 2023.**

ORAL JUDGMENT :

. Heard the learned advocate for the petitioner as also the learned Additional Government Pleader.

2. The petitioner is challenging the order of the respondent/Scrutiny Committee constituted under the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, (for short “Act of 2000”) whereby his certificate of Thakur (Scheduled Tribe) issued under Section 4 of the Act of 2000 has been confiscated and cancelled under Section 7(2) of the Act of 2000.

3. Apart from the fact that the Committee has discarded the claim solely by resorting to the affinity test, it is being pointed out that the petitioner’s real sister Kavita Baliram Wagh, whose claim was also similarly invalidated by the Scrutiny Committee had challenged that order before this Court in Writ Petition No. 7271 of 2009. By the order dated 24 February 2010, the writ petition was allowed and she was directed to be issued with the certificate of validity. The State had challenged that order before the Supreme Court in Special Leave to Appeal. By order dated

18 November 2011, the SLP was dismissed on the ground of delay as also merits.

4. In view of such supervening event and in the light of the observations of the Supreme Court in the matter of Amruta Vijay More Vs. State of Maharashtra in Civil Appeal No. 7230 of 2011 arising out of S.L.P. No. 29364 of 2010, when the real sister of the petitioner possesses a certificate of validity and the order has been confirmed up to the Supreme Court, the petitioner cannot be denied the relief.

5. The writ petition is allowed. The impugned order is quashed and set aside. The scrutiny Committee shall issue certificate of validity to the petitioner as belonging to 'Thakur' (Scheduled Tribe) expeditiously and in any case within a period of three (03) weeks from today in the prescribed format.

6. Rule is made absolute in above terms.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]