

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

989 WRIT PETITION NO.4328 OF 2012

AVINASH SHIVDAS THAKUR
VERSUS
ST CERTIFICATE SCRUTINY COMMITTEE NASHIK AND ANR

...

Advocate for Petitioner : Mr. Shinde Digambar B.
AGP for Respondent No. 1 : Mrs. M.A.Deshpande
Advocate for Respondent No. 2 : Mr. S.S.Wagh h/f Mr. S.T. Shelke

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 18.07.2023

PER COURT :

The petitioner is before us aggrieved by the order passed by the respondent-scrutiny committee refusing to entertain and decide his tribe claim only on the ground that the caste certificate obtained by him from an authority which had no territorial jurisdiction in the light of Rule 5(2) of the Maharashtra Scheduled Tribe Regulation and Issuance of Rules 2003 . The committee has not considered the claim on merits.

2. We have heard both the sides.

3. It is necessary to note that the petitioner's brother who was also possessing a caste certificate issued by the same Taluka Executive Magistrate Rahuri, District Ahmednagar was also similarly aggrieved by the refusal of the scrutiny committee to undertake verification. He had filed Writ Petition No. 5686/2012. By the order dated 16.07.2012 the writ petition was allowed *inter alia* by referring to the decision in the matter of **Niraj Kamlakar More Vs. Scheduled Tribe Certificate Scrutiny Committee, Aurangabad** (Writ Petition No. 2016/2012 and connected writ petitions

decided on 11.05.2012) and had directed the scrutiny committee to reconsider the matter and take a decision on merits afresh.

4. We are bound by the view expressed by the coordinate bench more so when it was in respect of the petitioner's brother.

5. We are also informed that pursuant to the directions of this Court in the matter of petitioner's brother the committee subsequently considered and decided his claim and has issued a validity certificate.

6. The Writ Petition is allowed partly. The impugned order is quashed and set aside. The matter is remanded back to the respondent No. 1-scrutiny committee which shall now undertake a scrutiny on its own merits and decide it expeditiously.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-