



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3102 OF 2021
WITH
INTERIM APPLICATION (L) NO. 99538 OF 2020

1. Kaustubh Sudhakar Bhamare
Aged 18 years, Occ. Student
2. Chetashri Sudhakar Bhamare
Aged--- years, Occ. Student
Both residing at Post Pimpalner
Tal. Sakri, Dist. Dhule

...Petitioners

Versus

1. State of Maharashtra
through its Secretary, Tribal
Development Department,
Mantralaya, Mumbai-400 032
2. Scheduled Tribe Certificate
Scrutiny Committee, Nandurbar
through its Member Secretary,
having its office at Nandurbar
Dist. Nandurbar.
3. Commissionerate and
Competent Authority,
Government of Maharashtra,
having its office at New Excelsior
Building, A. K. Naayak Marg,
Fort, Mumbai-400 001.
4. K. K. Wagh Polytechnic
Through its Principal having its
Office at Panchavati, Nashik,
Dist. Nashik.
5. Bansilal Ramnath Agarwal
Charitable Trust's, Vishwakarma

Institute of Technology, Bibwewadi.

6. The Commissioner and
Competent Authority,
State Common Entrance Test Cell,
Maharashtra State, Mumbai-Tribal
having its office at 8th floor,
New Excelsior building,
A.K. Nayak Marg, Fort
Mumbai-400 001
7. Scheduled Tribe Certificate Scrutiny Committee
Dhule Division, Dhule through
its Member Secretary having
its Office at Sindhu Manik
Building, near Ek-vira High School,
Deopur, Dist. Dhule. ...Respondents

Mr. R. K. Mendadkar a/w. Ms. Komal Gaikwad for the Petitioner.
Mr. Amit Singh i/b. Abhay Nevagi & Associates for Respondent No.5.
Mr. V. M. Mali, AGP for Respondent Nos.1 &2-State.

**CORAM : SUNIL B. SHUKRE, AND
FIRDOSH P. POONIWALLA, J.J.
DATE : 6th SEPTEMBER 2023**

ORAL JUDGMENT (Per Sunil B. Shukre, J.):

1. Leave to amend the cause title is granted to the Petitioners so
as to add Schedule Tribe Certificate Scrutiny Committee, Dhule Division
("Scrutiny Committee") as party Respondent to this Petition. Amendment
be carried out forthwith.
2. Rule. Rule made returnable forthwith.
3. Heard finally by consent of the parties.

4. On going through the impugned order, we find that Scrutiny Committee has not considered the core issue involved in the Petition which pertains to the basis of validity certificate granted to Jamsing Handusing Bhamare, paternal uncle of the Petitioners. The basis of grant of validity certificate to Jamsing Handusing Bhamare was the certificate of validity granted to Amol Dilipsing Bhamare, paternal cousin of the Petitioners and Amol Dilipsing Bhamare was granted validity certificate on the basis of the directions given by this Court, in Writ Petition No. 3117 of 1996 decided on 18/06/1996. We also find that Scrutiny Committee has not considered in any manner pre-constitution entries namely, entry dated 24/04/1926 standing in relation to Handu Lakdu Thakur, entry dated 16/07/1937 standing in relation to Thansing Lakde Bhamare and entry dated 13/06/1941 standing in relation to Harsing Lakde Thakur. Such non consideration of the core issue and documents relating to the claim of the Petitioners has resulted in rendering the impugned order as bad in law deserving it being quashed and set aside by this Court.

5. Accordingly, the Petition is allowed. Impugned order is hereby quashed and set aside. Matter is remanded back to Schedule Tribe Certificate Scrutiny Committee, Dhule Division, the Scrutiny Committee now having the jurisdiction over the claim, for reconsideration and decision afresh in the matter.

6. Leave is granted to the Petitioners to produce on record the copy of the Validity Certificate granted to Amol Dilipsing Bhamare and also copy of the order dated 18/06/1996 passed in Writ Petition No. 3117 of 1996 and other documents before the Scrutiny Committee.
7. Scrutiny committee is directed to decide the tribe claim of the Petitioners afresh in accordance with law by considering the evidence already available on record and also the additional evidence that has been permitted to be produced before it, as early as possible and preferably within a period of eight weeks from the date of appearance of the Petitioners before the Scrutiny Committee.
8. Petitioners shall appear before the Scrutiny Committee on 20th September 2023 at 11.30 a.m.
9. Rule is made absolute in above terms. No costs.
10. Interim Application is disposed of in terms of the final order.

(FIRDOSH P. POONIWALLA, J.)

(SUNIL B. SHUKRE, J.)