



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10474 OF 2023

Aniket D. Jadhav .. Petitioner.
v/s.
State of Maharashtra & Another .. Respondents.

Mr. R. K. Mendadkar, for the Petitioner.
Mr. S. B. Kalel, AGP for Respondent Nos.1 & 2 -State.

**CORAM: SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ.**
DATE : 31st AUGUST, 2023.

PC:-

Heard.

2 Rule. Rule made returnable forthwith. With the consent of the parties, heard finally at the admission stage.

3 Learned Counsel for the Petitioner submits that there are at least two validity certificates existing in the paternal family of the Petitioner – (i) Validity Certificate of Vinod Vasant Jadhav, paternal cousin of the Petitioner and (ii) Validity Certificate of Sakshi Hanumant Jadhav also paternal cousin of the Petitioner. But they have not been considered at all by the Scrutiny Committee.

4 The learned Counsel for the Petitioner invites our attention to the order passed by this Court on 2nd August, 2023, whereby, Co-ordinate Bench of this Court has, after considering several documents, came to the conclusion that Sakshi H. Jadhav had made out her case as belonging to

Thaker Schedule Tribe and, accordingly, the Bench directed the Scrutiny Committee to issue validity certificate to Sakshi.

5 We have gone through the order dated 2nd August 2023 passed by the Co-ordinate bench of this Court in the Petition filed by Sakshi Jadhav, being Writ Petition No. 7211 of 2023, and we find that the other bench of this Court has indeed directed the Scrutiny Committee to issue validity certificate to Sakshi as she belongs to Thaker Schedule Tribe.

6 With Sakshi getting the validity certificate and reliance on that validity having been placed, the Scrutiny Committee would only have to satisfy itself regarding the relationship between the present Petitioner and said Sakshi, and if it found by it that Sakshi is Petitioner's paternal cousin, we do not think that any further inquiry would have to be made by the Scrutiny Committee for reaching appropriate conclusions as regards the claim of the Petitioner. However, this exercise has not been carried out by the Scrutiny Committee here, and, therefore, we find that the impugned order is bad in law.

7 Petition is, therefore, partly allowed.

8 The impugned order is hereby quashed and set aside and the matter is remanded back to the Scrutiny Committee for re-consideration of the claim of the Petitioner and decision afresh in accordance with law.

We grant liberty to the Petitioner to produce before the Scrutiny Committee the validity certificates issued in favour of Vinod V. Jadhav and Sakshi H. Jadhav and also certified copy or authenticated

copy of the order dated 2nd August, 2023 rendered in Writ Petition No.7211 of 2023.

9 We further direct the Scrutiny Committee to consider the validity certificates being produced before it by the Petitioner in accordance with law and in the light of the other evidence placed on record and also the observations made by this Court in its order dated 2nd August, 2023 passed in Writ Petition No. 7211 of 2023 and decide afresh claim of the Petitioner in accordance with law as early as possible and, in any case, within one week from the date of appearance of the Petitioner before the Scrutiny Committee.

10 Petitioner to appear before the Scrutiny Committee on 4th September, 2023 at 11.30 a.m.

11 Rule made absolute in the above terms. No order as to costs.

FIRDOSH P. POONIWALLA ,J.)

(SUNIL B. SHUKRE,J.)