

jvs

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 15506 OF 2022

Abhijit s/o. Janardan Gaikwad } Petitioner
Versus
The State of Maharashtra & Ors. } Respondents

WITH
WRIT PETITION NO. 15505 OF 2022

Ashish s/o. Bajarang Gaikwad } Petitioner
Versus
The State of Maharashtra & Ors. } Respondents

Mr. Sushant C.Yeramwar for the petitioners.

Ms. R. A.Salunkhe, AGP for State.

CORAM: S. V. GANGAPURWALA, Act.CJ.&
 SANDEEP V. MARNE, J.

DATE: FEBRUARY 16, 2023

P.C.:

1. Rule, returnable forthwith. With consent of parties, taken up for final hearing.
2. The caste/tribe claims of the petitioners are invalidated. Hence these writ petitions.
3. The petitioners had filed proceedings before the Scheduled Tribe Certificate Scrutiny Committee (for short “the Scrutiny Committee”) seeking validation of their caste/tribe claims as belonging to Thakar-Schedule Tribe. The Scrutiny Committee rejected the same.

4. We have heard the learned advocate for the petitioners and also the learned AGP for the respondents.

5. It appears that the following facts are undisputed:

6. The real brother of the petitioner Abjijit, namely, Ajit has been issued the validity certificate of Thakar-Schedule Tribe. The real sister of the petitioner Ashish, namely, Shital has been issued validity certificate of Thakar-Schedule Tribe. Show cause notices were issued to these persons to whom the validity certificate were already issued. The caste/tribe claims, thereafter, were invalidated. These persons Ajit and Shital filed writ petitions before this Court bearing Writ Petition (St.) Nos. 95962 of 2020 and 95961 of 2020 respectively. This Court partly allowed the writ petitions and remanded the matter to the Scrutiny Committee. After remand of the matter, the Scrutiny Committee withdrew the show cause notices and restored the validity certificates issued to Ajit and Shital. The said order has become final.

7. It is also apparent that the son of Ajit, namely, Anurag and daughter Aishwarya have been issued validity certificates of Thakar-Schedule Tribe. Even the son of Abhijit, namely, Rushikesh has been issued validity certificate of Thakar-Schedule Tribe.

8. The same evidence is relied upon by the petitioners. The show cause notices were issued to Ajit and Shital after invalidating the caste/tribe claims of the petitioners and the said show cause notices now have been withdrawn and validity certificates issued to Ajit and Shital have been restored.

9. In light of the aforesaid facts and that the same documents were subject matter of consideration while issuing validity certificates to Anurag, Rushikesh, Ajit and Shital, in the present case also as the same documents are referred to, the present

petitioners also deserve to be issued validity certificates. In light of that, the impugned judgments and orders passed by the Scrutiny Committee are set aside. The Scrutiny Committee shall issue validity certificates to the petitioners of Thakar-Schedule Tribe within 15 (fifteen) days. All consequences shall follow.

10. The writ petitions are disposed of. Rule is made absolute in the aforesaid terms. No costs.

SALUNKE
J V

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Date: 2023.02.20
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(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)