

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12818 OF 2022**

Srushti Kiran Rajwade ...Petitioner
Versus
State of Maharashtra through its Secretary Tribal ...Respondents
Development Department & Anr

**WITH
WRIT PETITION NO. 15663 OF 2022**

Priyanka Anil Rajwade & Ors ...Petitioners
Versus
State of Maharashtra through its Secretary Tribal ...Respondents
Development Department & Ors

**WITH
WRIT PETITION NO. 253 OF 2023**

Santosh Baban Thakur & Anr ...Petitioner
Versus
State of Maharashtra through its Secretary Tribal ...Respondents
Development Department & Ors

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**Mr RK Mendadkar, with Komal Gaikwad, for the Petitioner in all
Writ Petitions.
Mr NC Walimbe, AGP, for Respondents Nos. 1 & 2-State.
Mr Rui Rodrigues, for Respondent No.3.**

**CORAM G.S. Patel &
 S.G. Dige, JJ.
DATED: 18th January 2023**

PC:-

1. Writ Petition No. 12818 of 2022 is filed by one Srushti Kiran Rajwade. There are companion Writ Petitions. Writ Petition No. 253 of 2023 is filed by Santosh Baban Thakur, Kalpana Nimbaji Desai and Prabhakar Namdeo Rajwade . Writ Petition No. 15663 of 2022 is filed by Priyanka Anil Rajwade, Tejas Santosh Thakur (Rajwade) and Jayesh Santosh Thakur (Rajwade).

2. All these Writ Petitions impeach a common order and judgment of the 2nd Respondent, Scheduled Tribe Caste Certificate Scrutiny Committee, Nashik Division, Nashik passed on 12th October 2022 invalidating the caste certificates and caste claims of all these persons. The difficulty with a common judgment like this is that there is no clear differentiation on the factual aspects. This has led to internal inconsistencies and inaccuracies. We need only highlight one. Srushti's claim has been invalidated inter alia on the ground that "one of her blood relatives" had a caste certificate showing his caste as *Bhat*. That ancestor's name is given as Lakshman Rangu Thakur. The school leaving certificate is of 1975. His name appears in a tabulation at page 48 at Sr. No.1 and he is said to be the blood relative of all seven applicants. But that is precisely Srushti's point. Lakshman Thakur is not related to her by blood at all, and, Mr Mendadkar says, it is impossible that her caste claim should be invalidated on the basis of some stranger's school leaving or other document showing some other caste.

3. When presented like this, we would be required to disentangle all these factual considerations in the impugned order and figure out which factual circumstance is applied to which applicant. This is an impossible task.

4. We understand that the interest of economy of time may impel a committee, especially if there are common issues of law, to render a common judgment. But even when it does so, it must be careful to parse and segregate the factual situation in each. There cannot be such factual inaccuracies or generalities. The table to which we have referred actually spreads over four and half pages and has entries from Sr. No.1 to Sr. No. 45. Every single one of the persons from Sr. No. 1 to 43 are said to be relatives of all seven Applicants. It is only items 44 and 45 that are segregated. Again, there is a reference to one Rangnath Lakshman Thakur at page 52 and he is said to be a blood relative of Applicants Nos. 1 to 7. But Rangnath Lakshman Thakur is obviously the son of Lakshman Rangu Thakur. If Lakshman Thakur is unrelated to Srushti then his father is equally unrelated and this error thus keeps repeating. The fact that the invalidation happens because of the entries of *Bhat* is found at page 54 as well.

5. There may be other issues that Mr Mendadkar wishes to canvass. We have not considered those. The impugned order will have to be set aside and the matter will have to be remanded for a decision afresh on the merits of each case with a careful delineation of the facts as applicable to each case/each applicant.

6. In the meantime, we will have to continue the ad-interim relief. . In Writ Petition No. 12818 of 2022 there is an ad-interim order of 27th October 2022. This will continue until the date noted below.

7. In Writ Petition No. 253 of 2023 there is ad-interim order granted on 11th January 2023. This will also continue.

8. In Writ Petition No.15663 of 2022 there is no ad-interim relief. The prayer is to stay the impugned order of 12th October 2022 and to restrain Respondents Nos. 3, 4 and 5 from taking coercive action on the basis of the impugned order. In Writ Petition No. 15663 of 2022, there will be a stay on the execution, operation and implementation of the impugned order dated 12th October 2022.

9. We make the same condition in all matters that the Petitioners are not entitled to claim equities because we have continued these ad-interim orders. All Petitioners are required to file a written affirmed undertaking (if not already done) not to claim equities if the final order is adverse to them.

10. The Petitioners are not required to file fresh applications before the caste scrutiny committee. The committee will take up the disposed of applications and restore them to file. It is requested to dispose of these applications at the earliest, and, in any event, within 12 weeks from today.

11. The ad-interim orders will continue until the final decision of the 2nd Respondent committee on this remand and for a period of three weeks thereafter if the result is adverse to the Petitioners.

12. All contentions on merits are kept open. The application will be decided a fresh without regard or reference to the observations of the committee in the impugned order of 12th October 2022 but bearing in mind our observations and directions today.

13. All Writ Petitions are disposed of accordingly. There will be no order as to costs.

(S.G. Dige, J)

(G. S. Patel, J)