



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11853 OF 2024

ROHIT DNYANOBA GARUD

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

Advocate for Petitioner : Mr. Mahesh S. Deshmukh i/by
Mr. Phatale Sagar S

AGP for Respondents/State : Mr. V.M. Kagne

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

DATE : 22 OCTOBER 2024

PER COURT :

. The petitioner who was found entitled to have a certificate of validity, subject to certain conditions super added, was issued with a caste validity certificate in prescribed form "G", however super imposing thereon, perhaps in a rubber stamp that it was a 'conditional validity'.

2. By the order dated 12.10.2023 in Writ Petition No.12759/2023, we had expressly directed the Committee to issue him a fresh certificate of validity in form 'G' sans any such condition superimposed. It appears that even in spite of the order the Committee failed to obey the direction and the petitioner had to move in contempt by filing of Contempt Petition No.731/2024. The

contempt petition was disposed of on 20.08.2024 in following manner :

“ORDER :

- . Not on board. Upon mentioning, matter is taken on board.
2. Learned AGP, on instructions, makes a statement that on or before 23.08.2024, the certificate will be issued. The said statement is taken as undertaking and in view of the said statement, directions are accordingly given.
3. The contempt petition stands disposed of.”

3. In spite of such directions from time to time at least twice, the members of the Committee have not issued the certificate of validity to the petitioner and that compels him to file present petition with following prayers :

“(A) Issue Writ of Mandamus or other appropriate Writ or order thereby direct the Respondent no.3-Scrutiny Committee to issue fresh tribe validity certificate in favour of petitioner as Thakur Schedule tribe in Form “G” without incorporating any condition or anything.

(B) Issue Writ of Mandamus or other appropriate Writ or order thereby direct Respondent no.1 and 2 to take Strict action against the Members of the Respondent no.3 Scrutiny Committee under Section 10 of the Maharashtra Government Servant Regulation of transfers and Prevention of Delay in Discharge of official Duties Act, 2005 on the ground of not shown due diligence for not issuing certificate of validity in favour petitioner in form G, as directed by this Hon’ble High Court.

(C) Any other equitable relief be granted in favour of petitioner.”

4. Learned AGP submits that he has the original caste validity certificate in the prescribed form ‘G’ without any condition incorporated therein and he is ready to hand it over to the petitioner.

5. Learned advocate for the petitioner submits that the petitioner is present in person in the Court Hall.

6. We direct that the validity certificate shall be handed over to him by obtaining his acknowledgment.

7. As regard the prayer clause 'B' is concerned, it would be appropriate for the petitioner to file a contempt petition for the breach of not only the initial order but even the undertaking which was accepted while disposing of the contempt petition on 20.08.2024.

8. With that liberty, we dispose of the petition.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..