

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

WRIT PETITION NO. 1331 OF 2014

Chetana Subhash Thakar ... Petitioner

versus

State of Maharashtra and Others ... Respondents

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Mr.R.K.Mendadkar for the Petitioner.

Mr.V.M.Mali, AGP for Respondent Nos. 1 and 2-State.

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**CORAM : NITIN JAMDAR &
M.M.SATHAYE, JJ.**

DATE : 19 JANUARY 2024

P.C.:

The Petitioner has challenged the order dated 22 April 2013 passed by Respondent No.2- the Scrutiny Committee invalidating the caste certificate issued to the Petitioner by the Sub Divisional Officer, Madha Sub Division, Kurdwadi, District -Solapur on 3 January 2007.

2. In the impugned order, Respondent No.2- the Scrutiny Committee has referred to the report of Vigilance Cell. The opportunity was given to the Petitioner. After considering the report of the Vigilance Cell and evidence produced by the Petitioner, Respondent No.2- the Scrutiny Committee framed an issue as to whether the applicant is able to prove her affinity towards Thakar,

Scheduled Tribe. Reference is made to validation of the caste certificate of Harshad Narayan Thakar, who is paternal cousin of the Petitioner. Same is also referred to and relied upon in the reasoning part of the impugned order. Perusal of the impugned order would show that Respondent No.2- the Scrutiny Committee has substantially relied upon invalidation of the caste certificate of Petitioner's paternal cousin Harshad Narayan Thakar.

3. In the meanwhile, Writ Petition bearing No. 4062 of 2009 filed by Harshad Narayan Thakar came to be disposed of by the Division Bench of this Court by order dated 23 November 2017, after considering the evidence and fact that the sister of Harshad Narayan Thakar was granted validity certificate. The Division Bench set aside the order passed by Respondent No.2-the Scrutiny Committee invalidating the caste certificate of Harshad Narayan Thakar and directed to issue caste validity certificate.

4. The learned AGP sought to contend that in case of another relative of the Petitioner, that is, Namdeo Laxman Thakar, great grandfather, there are entries contrary to the Petitioner's claim.

5. Considering this position where the claim of Harshad Narayan Thakar, on the basis of whose invalidation the impugned order came to be passed, is upheld by this Court, though the learned AGP sought to contend that there are contra entries, Respondent No.2-the Scrutiny Committee will have to consider the matter in light of

the order passed by this Court in the case of *Shri Harshad Narayan Thakar V/s. The State of Maharashtra and Others*¹ Civil Writ Petition No. 4062 of 2009.

6. Accordingly, the impugned order dated 22 April 2013 passed by Respondent No.2- the Scrutiny Committee is quashed and set aside. Caste claim of the Petitioner stands restored to the file of Respondent No.2- the Scrutiny Committee. The Petitioner will appear before Respondent No.2- the Scrutiny Committee on 12 February 2024. Thereafter, Respondent No.2- the Scrutiny Committee will set up a timetable for disposal of the caste claim. Upon remand Respondent No.2- the Scrutiny Committee will consider the caste claim of the Petitioner taking overall view of the matter and considering totality of the evidence, and then pass a reasoned order as per law.

7. Considering that caste claim is of the year 2012 and that the Petitioner has completed education, Respondent No.2- the Scrutiny Committee, subject to earlier time bound urgent cases, will consider giving priority for disposal.

8. The writ petition is accordingly disposed of.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)

¹ Civil Writ Petition No. 4062 of 2009 dated 23 November 2017