

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4967 OF 2023

Bhaskar Pandit Gaikwad

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

Mr. R.K. Mendadkar for the Petitioner.

Mr. M.M. Pabale, AGP for the Respondent Nos. 1 to 3.

Mr. V.Y. Sanglikar for Respondent No.4.

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

DATE : 24 JANUARY 2024

P.C. :

. Heard learned counsel for the parties.

2. The Petitioner was appointed as Assistant with Respondent No.4 Insurance Company under reserved category (ST-Thakar) and has retired on 31 January 2023. His caste certificate was referred to Respondent No.2 (Scheduled Tribe Certificate Scrutiny Committee, Pune Division, Pune) for verification. The Petitioner submitted various documents in support of his caste claim, including those of blood relatives from the paternal side. The Petitioner also relied upon the caste validity certificates issued in favour of his own

daughter and niece, which were granted pursuant to the orders of this Court.

3. Respondent No.2 committee, by impugned order dated 8 March 2023, has invalidated the Petitioner's tribe claim. This order is challenged in the present petition.

4. Perusal of the impugned order would show that indeed Petitioner has relied upon the caste validity certificates of his daughter Madhura Bhaskar Gaikwad and his niece Aishwarya Sudharkar Gaikwad. Our attention is invited to orders dated 9 November 2017 and 10 July 2017 passed in Writ Petition Nos.7125 of 2016 and 6849 of 2016 granting caste validity in favour of said Madhura and Aishwarya respectively. The said orders are annexed to the petition. Perused relevant portion of the impugned order, where the caste validity certificates of Petitioner's daughter and niece are considered. It is stated by Respondent No.2 Committee that even if caste validity certificates are issued pursuant to orders of this Court, the Review Petitions are proposed to be filed challenging the said orders and for this reason their caste validity certificates are not considered.

5. Learned AGP could not point out that review petitions are actually filed and whether the said orders of this Court granted in favour of Petitioner's daughter and niece are set aside or modified.

In light thereof, it is obvious that said orders are very much in force and pursuant thereto the Petitioner's daughter and niece have been given caste validity certificate. It is therefore, clear that Respondent No.2 Committee has perversely considered, at least, these two documentary piece of evidence.

6. Hence, without going into other consideration undertaken by Respondent No.2 Committee in the impugned order, the same is set aside and the Petitioner's caste claim is restored to the file of Respondent No.2 Committee, which is then directed to set time table and decide the claim of the Petitioner in the light of documentary evidence and other relevant material available before it and pass reasoned order. Let this exercise be completed within a period of 12 weeks from the date of presentation of this order.

7. Writ petition is disposed of accordingly.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)