

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

**WRIT PETITION NO. 6155 OF 2017**

Devidas Laxman Pithe ... Petitioner

versus

State of Maharashtra and Others ... Respondents

**WITH  
CIVIL APPLICATION (ST.) NO. 14479 OF 2019  
IN  
WRIT PETITION NO. 6155 OF 2017**

Mumbai Port Trust  
Through its Chief Medical Officer ... Applicant

**IN THE MATTER BETWEEN**

Devidas Laxman Pithe ... Petitioner

versus

State of Maharashtra and Others ... Respondents

.....

Mr.R.K.Mendadkar with Mr.Siddhant Y. Sawai for the Petitioner.  
Ms.R.M.Shinde, AGP for Respondent Nos. 1 and 2-State.  
Mr. Ahmed Padela i/b. The Law Point for Respondent No.3.

.....

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

**DATE : 28 February 2024.**

**P.C. :**

Heard the learned Counsel for the parties.

This order is corrected pursuant to speaking to minutes of the order dated 22 March 2024.

2. The Petitioner has challenged the order passed by Respondent No.2 –Scheduled Tribe Certificate Scrutiny Committee, Thane (Scrutiny Committee) dated 27 April 2017. By the impugned order, the caste certificate issued to the Petitioner as belonging to Koli Mahadev Scheduled Tribe was invalidated. The Petitioner had challenged this order by filing a Writ Petition No. 7486 of 2014, which was disposed of with a direction to the Scrutiny Committee to consider the evidence, more particularly, revenue records pertaining to the Petitioner's paternal relatives. Upon remand, the Scrutiny Committee passed the impugned order noting that the Tahsildar's Office had not made the revenue records available. Therefore, when the Petition came up on board on 6 February 2024, the following order came to be passed :

*“The Petitioner had earlier filed Writ Petition No. 7486 of 2014 which was disposed of on 30 March 2016 with a direction to the Scrutiny Committee amongst other, to consider the revenue records pertaining to the Petitioner's paternal relatives. The impugned order records that the concerned Tahsildar has not co-operated with the Vigilance Cell of the Scrutiny Committee for production of this record. Therefore, the Scrutiny Committee has proceeded further. Such position on behalf of the Tahsildar cannot be countenanced.*

*2. Stand over to 28 February 2024 under the caption 'For Directions'.*

*3. The learned AGP will take instructions from the concerned Tahsildar and make a statement recording*

*his commitment of extending all co-operation to the Scrutiny Committee to comply with the order passed by this Court. Thereupon, further course of action could be decided.*

*4. Ad interim order to continue till the next date.”*

3. The learned AGP states that instructions have been taken from the concerned Tahsildar and the concerned Tahsildar had instructed that all necessary cooperation would be extended to the Scrutiny Committee by producing records as may be available.

4. This being the position, more particularly, the direction issued in Writ Petition No. 7486 of 2014 and that the concerned Tahsildar has now made a statement that all necessary cooperation would be extended to the Scrutiny Committee, we dispose of the writ petition with following order :

#### ORDER

(i) The impugned order dated 27 April 2017 passed by Respondent No.2- Scheduled Tribe Certificate Scrutiny Committee, Thane is quashed and set aside. The caste claim of the Petitioner stands restored to the file of the Scrutiny Committee;

(ii) The concerned Tahsildar, Tala, District Raigad will produce all necessary records, as may be available, before the Scrutiny Committee/ Vigilance Cell and extend all cooperation to the Scrutiny Committee;

(iii) Since it is the second time that the matter has to be sent back to the Scrutiny Committee, the Scrutiny Committee will consider the caste claim of the Petitioner as of the year 2009 and accordingly will give priority to disposal of the Petitioner's claim preferably within a period of three months from today.

5. The Writ Petition is accordingly disposed of.

6. In view of disposal of the Writ Petition, nothing survives in the Civil Application and the same is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)