

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

WRIT PETITION NO. 13070 OF 2022

Aditya Sudhakar Thakur And Anr.	...Petitioners
Versus	
State of Maharashtra and Anr.	...Respondents

YUGANDHARA
SHARAD
PATIL

Digitally signed
by:
YUGANDHARA
SHARAD PATIL
Date:
2024.01.17
11:37:31 +0530

**WITH
CONTEMPT PETITION (ST) NO. 26282 OF 2022
IN
WRIT PETITION NO. 2818 OF 2012**

Aditya Sudhakar Thakur And Anr.	...Petitioners
Versus	
R.R. Sonkavade and Ors.	...Respondents

.....

Mr. R.K. Mendadkar for the Petitioners.
Mr. M.M. Pabale, AGP for Respondent-State.

.....

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

DATE : 05 JANUARY 2024

P.C.:

1. Contempt Petition (St) No. 26282 of 2022 is not on board. Taken on board, heard along with present Writ Petition.

2. Heard learned counsel for the parties.

3. By this Petition, Petitioners have challenged order dated 25 August 2022, passed by Scheduled Tribe Caste Certificate Scrutiny Committee, Pune Region, Pune -Respondent No. 2, invalidating the caste certificate issued to the Petitioners on 26 July 2005 as Thakur (Scheduled Tribe) by the Deputy Collector, C.F.C., Pune.

4. Petitioners had applied for caste certificate to the Deputy Collector, C.F.C., Pune, relying on the caste validity certificate of Petitioners' father, school certificate of the grand father and father and the affidavits. Deputy Collector issued a caste certificate to the Petitioners as belonging to Thakur (Scheduled Tribe) on 26 July 2005. Caste Certificates of the Petitioners were referred to the Scrutiny Committee, Pune as the Petitioners were desirous of taking education under the seats earmarked for reserved category candidates. Their caste certificates were invalidated by the Scrutiny Committee by the impugned order dated 14 February 2012.

5. Petitioner filed Writ Petition No. 2818 of 2012, which was allowed and order of the Scrutiny Committee was set aside. Scrutiny Committee was directed to decide the claim of the Petitioners afresh on merits since the Scrutiny Committee had not decided on merits but on the ground that the caste certificate was not issued by the Competent Authority. After the matter was sent back

to Scrutiny Committee, the impugned order has been passed. In the impugned order, Scrutiny Committee has again observed that the Deputy Collector, C.F.C., Pune was not competent to issue caste certificate and therefore, the same needs to be invalidated.

6. The impugned order gives no reason except that original residence of Petitioners is of Chalisgaon, and therefore, Deputy Collector had no jurisdiction. In this context, order passed by this Court on 20 April 2012, in Petitioners' own case earlier, needs to be noted. It reads thus:

3. By this petition under Article 226 of the Constitution of India, the petitioners are challenging decision of the Scheduled Tribe Certificate Scrutiny Committee, Pune Region, Pune, dated 14th February, 2012. The only reason stated by the Committee to invalidate the caste claim of the petitioners is that the caste certificates obtained by them are not in a proper prescribed format. It has stated that the petitioners ancestral are permanent residents of Chalisgaon, District Jalgaon whereas the caste certificates issued to the petitioners are by the competent authority of Pune District. This is the only reason given by the committee to invalidate the caste claim of the petitioners.

5. We, therefore, set aside the impugned decision and relegate the petitioners before the Scrutiny Committee for reconsideration of their claim in the light of the decision referred to above. For the present it is not necessary for us to examine the argument of the petitioners that the same Committee has already issued caste validity

certificate in favour of their father after due inquiry. That is the matter which will have to be considered by the Scrutiny Committee. Accordingly, this petition is allowed. The impugned decision is quashed and set aside.

8. The status quo order passed by this Court on 29th March, 2012 to continue till 15th June, 2012 or till the decision of the Committee whichever will be earlier. If the decision of the committee is in favour of the petitioners, no further direction would be necessary qua respondent nos.4 and 5. However, if it is adverse to the petitioners, it will be open to the petitioners to challenge it by way of appropriate proceedings within two weeks from the date of communication of the decision of the Scrutiny Committee. The status quo order would continue till two weeks from the date of service of the order of the Scrutiny Committee.”

Thus, on the very same ground that the caste certificate was not issued by the Competent Authority, Scrutiny Committee had earlier passed an order, which was set aside. Again the Scrutiny Committee has passed an order on the same ground. The Petitioners therefore, apart from assailing the impugned order, has also filed a aforesaid Contempt Petition.

7. At this stage, we note that there is no evaluation of caste claim on merits. The Scrutiny Committee has rejected the caste claim on the ground of caste certificate not being issued by the Competent Authority. When this Court passed an order earlier, it had protected services of the Petitioners by order of status-quo,

pursuant to which Petitioners have completed their education from reserved category.

8. In these circumstances, we deem it proper to set aside the impugned order and set a time table for the Scrutiny Committee to decide the claim of the Petitioners on merits. Petitioners are permitted to revive the Contempt Petition if decision is not taken within the time limit.

9. Accordingly, the impugned order dated 25 August 2022, is quashed and set aside. The caste claim of the Petitioners stands restored to the file of Respondent No. 2- Scrutiny Committee, Pune. Petitioners will appear before the Scrutiny Committee on **19 January 2024**. Thereupon, the Scrutiny Committee will complete the proceedings, hearing, collection of documents etc and pass final order within a period of 8 weeks and after hearing is so concluded pass an order within four weeks thereafter. We make it clear that we have set the time table for the above reasons and we place the responsibility of adhering with the same on the Secretary, Scrutiny Committee, Pune.

10. In light of the above observations, we dispose of the writ petition as well as the Contempt Petition. It is open to the Petitioners to approach this Court under the Contempt jurisdiction, in case final outcome is not tendered in the above time limit as stated above.

11. Contempt Petition and Writ Petition are disposed of as above.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)