



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8256 OF 2025

Rahul Vasant Thakur

VERSUS

The State Of Maharashtra And Another

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- Mr. Navin Shah, Advocate h/f. Mr. Patil Swapnil Shashikant, Advocate for the Petitioner
- Mr. S. D. Ghayal, Addl.GP for Respondents/State

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CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.

DATE : 23.07.2025

PER COURT :

1. Heard learned counsel for the petitioner. Although this is the first date of listing, since both respondents are represented by the learned Additional Government Pleader and considering the narrow scope of the present petition, we are inclined to take up the petition for hearing and disposal today itself.

2. The petitioner is aggrieved by the failure on the part of respondent No. 2 – the Scrutiny Committee, to decide the validity of the Scheduled Tribe Certificate dated 02.09.2003, issued in favour of the petitioner. The proposal for examining the validity of the certificate has been pending with the respondent No. 2 – the Scrutiny

Committee since 17.07.2006. At that time, the petitioner was undergoing education, having taken admission in junior college in the science stream.

3. A perusal of the impugned order shows that respondent No. 2 – the Scrutiny Committee has simply returned the tribe certificate of the petitioner on the ground that the proceedings deserve to be closed, as the junior college in which the petitioner was taking education during the years 2005-06 had communicated that the petitioner had completed his education and he had also taken his leaving certificate as well as mark sheet from the said college. It is solely on this ground that the respondent No. 2 – the Scrutiny Committee closed the case and refused to examine the validity of the tribe certificate issued to the petitioner.

4. It is brought to our notice that, after completing education, the petitioner is presently serving as Police Constable with Mumbai Police, and that he has secured the said post under the category reserved for Scheduled Tribe candidates. It is obvious that in such a situation, respondent No. 2 – the Scrutiny Committee ought to have decided the claim/proposal of the petitioner on merits, rather than closing the case and returning the tribe certificate.

5. We are of the opinion that, in such circumstances, the employer of the petitioner, i. e., the Mumbai Police, ought to have insisted upon the petitioner to bring validity certificate within a stipulated period of time. In that context, a proposal could have been moved before respondent No. 2 – the Scrutiny Committee for consideration. At this stage, however, directing the employer to do so would only further delay the matter. Therefore, we intend to remand the matter back to the respondent No. 2 – the Scrutiny Committee to examine the proposal pending since the year 2006, notwithstanding the fact that the petitioner has passed out from college and completed his education. This course is necessary for the reason that the petitioner has evidently secured service in Mumbai Police on the premise that the proceedings for verification of his tribe certificate were pending before respondent No. 2 – the Scrutiny Committee.

6. In view of the above, the petition is **allowed**. The impugned order is quashed and set aside. Respondent No. 2 – the Scrutiny Committee is directed to consider the proposal of the petitioner in respect of his tribe/caste certificate dated 02.09.2003, afresh and on merits, at the earliest.

7. Considering the fact that the petitioner is enjoying services upon being appointed in a post reserved for Scheduled Tribe candidates, it is all the more necessary that respondent No. 2 – the Scrutiny Committee decides the tribe claim of the petitioner on merits.

8. Respondent No. 2 – the Scrutiny Committee shall now take up the proposal of the petitioner afresh and decide the same expeditiously, and in any case within eight (08) months from today.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)