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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15 WRIT PETITION NO. 9775 OF 2023

NAGESH LAXMANRAO PANNASE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

Mr.A.D.Sonkawade and S.G.Jayewar i/b Mr.A.V.Hon, Advocates for the
petitioner.

Ms.PJ.Bharad, AGP for respondent Nos. 1 and 2.

Mr.S.V.Adwant, Advocate for respondent No.3.

(CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.)

DATE : FEBRUARY 11, 2025

PER COURT :

1. We have heard both the sides and perused the papers. By resorting to Article 226 of the Constitution of India, the petitioner is taking exception to the judgment and order of respondent No.2 / Committee dated 27.07.2023, whereby his 'Koli Mahadev' Scheduled Tribe Certificate has been confiscated and cancelled in the proceeding u/s 7 of the The Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and

Verification of) Caste Certificate Act, 2000 / The Maharashtra Act XXIII of 2001.

2. The learned Advocate for the petitioner submits that apart from validity of one Suraj Ramrao Pannase, which the petitioner was relying upon but the benefit of which has not been extended to him by the Committee for the reasons mentioned in the impugned judgment, few other near blood relatives namely Aakash Ramrao Pannase and Manoj Ganeshrao Pannase have received certificates of validity pursuant to the common judgment and order of the Court dated 18.09.2024 in WP No.10052/2024 and 10053/2024. He submits that apart from the fact that the reasons assigned by the Committee for discarding the validity of Suraj Ramrao is not legally sustainable. These 2 validities would come to his rescue and there being no dispute about these 2 individuals being related to the petitioner by blood, the petitioner is entitled to have a certificate of validity.

3. The learned AGP by referring to the original record and assisted by the Law Officer of the Scrutiny Committee, candidly submits that indeed Aakash and Manoj are related to the petitioner by blood

from the paternal side.

4. This being a matter of social status, all the family members related by blood from the paternal side should be treated alike as belonging to the same caste or tribe. Since this Court has held Aakash and Manoj, entitled to have certificate of validity, this being the due process of law as contemplated in **Maharashtra Adivasi Thakur Jamat Saurakshan Samiti Vs.State of Maharashtra and Others in Civil Appeal No.2502/2022**, the petitioner is entitled to have a certificate of validity subject to the same conditions as have been incorporated in their matters. The impugned judgment and order, therefore, deserves to be quashed and set aside.

5. However, there is one more aspect. The petitioner was selected by respondent No.3 in a recruitment process, but by communication received by the petitioner dated 07.09.2023, Exh.J, respondent No.3 has informed him about his selection having been cancelled and the name having been deleted from the select list on his failure to produce a certificate of validity. The affidavit in reply filed by respondent No.3 persists with the same stand.

6. Faced with the situation, the learned Advocate for the petitioner would submit that a candidate, who was similarly placed from the same recruitment process namely Mangesh Marotirao Bodhgire, who had also suffered invalidation, had filed a writ petition. While granting the ad interim relief dated 12.10.2023 in WP No. 12592/2023, respondent No.3 / Reserve Bank of India was directed to issue appointment order to the petitioner. That is how he could be appointed.

7. The learned Advocate would submit that however, the petitioner unfortunately could not solicit similar ad interim order. However, he claims that the petitioner should be treated at par with Mangesh Marotirao Bodhgire.

8. Per contra, the learned Advocate Mr.Advant for respondent No.3 submits that apart from sustainability of the ad interim order directing appointment to be given pending decision of the writ petition, there is nothing to demonstrate that the petition was finally allowed and his appointment was directed to be confirmed.

9. We could gather from the Court Information System that the writ petition of Mangesh was subsequently allowed partly, the order of the Scrutiny Committee was quashed and set aside and the matter was remanded back to the Scrutiny Committee to enable him to establish his blood relationship with the validity holders.

10. The fact remains that the selection of the petitioner has been cancelled merely on the ground that he faced the order of the Committee confiscating and cancelling the caste tribe certificate.

11. Once, by the extant order, we have held him entitled to have a validity certificate, it would be appropriate that respondent No.3, in the light of such supervening event, considers his claim for appointment in accordance with the select list. It would be appropriate that in this manner, respondent No.3 would be able to take some decision in accordance with Law and even this would provide the petitioner an opportunity if at all needed to file another petition if respondent No.3 still cancels his selection. Keeping that course open, the writ petition is allowed partly. The impugned judgment and order is partly quashed and set aside. The committee shall immediately issue

the certificate of validity to the petitioner and respondent No.3 shall ,
on his producing the certificate of validity, take a fresh decision under
intimation to the petitioner.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)p