



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 651 OF 2025
IN
WRIT PETITION NO. 15395 OF 2023
WITH
WRIT PETITION NO. 15395 OF 2023

CHETAN PRADIP NAVASARE
VERSUS
SCHEDULED TRIBE CERTIFICATE SCRUTINY COMMITTEE
DHULE AND ANOTHER

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Advocate for Applicant : Mr. Phatale Sagar S.
AGP for Respondent No. 1 : Mr. M. K. Goyanka
Advocate for Respondent No. 2 : Mr. N. N. Desale

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CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.

DATE : 17.01.2025

PER COURT :

. By moving the writ petition, the petitioner has been taking exception to the decision of the respondent-Scrutiny Committee whereby decision of the respondent-Scrutiny Committee dated 04.10.2023, whereby the Committee has refused to validate his 'Tokre-Koli' Scheduled Tribe certificate.

2. It is being pointed out that the impugned judgment and order was a common order in the matter of the petitioner and his real

brother 'Tushar'. By the Writ Petition No. 6414 of 2024, 'Tushar' has put up a challenge the selfsame judgment and order. By speaking order dated 12.07.2024, the impugned judgment and order was quashed and set aside to this extent and he was directed to be issued with a certificate of validity since the selfsame judgment has already been a subject matter of challenge before this Court, no different view is possible.

3. For the selfsame reasons, as have been recorded in the matter of 'Tushar', the writ petition deserves to be allowed and the petitioner is entitled to receive the certificate of validity.

4. Surprisingly, even while this writ petition has been pending and the impugned judgment and order to the extent of the petitioner was not quashed and set aside, perhaps under some misconception, in the light of Tushar's validity and the judgment and order in his matter even the present petitioner has been issued with a certificate of validity by the Committee on its own.

5. Be that as it may, the impugned judgment and order is quashed and set aside even to the extent of the petitioner. The certificate of validity issued to the petitioner stands confirmed.

6. Similarly, in the light of the supervening events whereby the petitioner is stated to have been illegally terminated, he has preferred a Civil Application seeking writ of *certiorari*, questioning the order of termination from the employment.

7. We are afraid, while deciding this writ petition questioning sustainability of the judgment and order refusing to validate Caste Certificate or Tribe Certificate, this Court cannot undertake independent in respect of the order of termination merely on the basis of the Civil Application filed. The petitioner may have to resort to the appropriate remedy.

8. The Civil Application is disposed of keeping open such remedy to him.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

jhs/