



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO.5792 OF 2025

(Amey s/o Dilip Sonkusare Vs. State of Maharashtra and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Anil Mardikar, Sr. Advocate a/b Mr. N.C. Phadnis, Advocate for the
petitioner.

Mr. A.M. Kadukar, AGP for respondent Nos.1 and 2/State.

**CORAM :- SMT. M.S. JAWALKAR AND
RAJ D. WAKODE, JJ.**

DATED :- OCTOBER 10, 2025.

Heard learned Senior Counsel for the petitioner.

2. By way of the present petition, the petitioner seeks challenge to the impugned order dated 25/07/2025 passed by respondent No.2 thereby invalidating the caste claim of the petitioner towards "Halba" scheduled tribe.

3. Learned Senior Counsel contends that this is the third round of litigation for the tribe claim status of the petitioner before this Court. Earlier in **Writ Petition No.5510/2017** (*Amey s/o Dilip Sonkusare Vs. State of Maharashtra and ors.*) this Court vide order dated 12/02/2018 had directed the committee to re-verify the caste claim of the petitioner on the basis of the documents submitted by the petitioner to the Committee. In the said order, the Court has also directed the respondent - College to protect the admission of the petitioner; however, on the condition that the petitioner furnishes an undertaking to respondent No.3 – College within

two weeks that he would pay the arrears of fees and the regular fees that are liable to be paid by the open category students if his caste claim is invalidated.

4. In view of the aforesaid order, Mr. Mardikar, learned Senior Counsel contends that the petitioner has paid the fees liable to be paid by the open category students. After the aforesaid judgements of this Court in Writ Petition No.5510 of 2017 (supra), the respondent-committee again invalidated the caste claim of the petitioner. The petitioner challenged the same before this Court in Writ Petition No.3937/2018. While deciding the aforesaid writ petition the Court vide judgment dated 02/05/2025 had allowed the petition filed by the petitioner, set aside the impugned order passed by the Committee invalidating the caste claim of the petitioner and had again remanded the matter back to the respondent-committee with following observations:

“14. That being the position without going into the merits or demerits of the matter, we deem it fit and proper case to be remanded back to the Scrutiny Committee to be decided on its own merits after giving a reasonable opportunity to the Petitioner, to show cause to the Vigilance report and the entries made therein. The impugned decision dated 29.06.2018 (page 21), is therefore quashed and set aside and the matter is remitted back to the Scrutiny Committee, to permit the Petitioner, to show cause within a period of fifteen days from today. The Petitioner shall appear before the Scrutiny Committee on 13.05.2025 alongwith his explanation to the show cause, if any, and

the Committee shall thereafter hear him and decide the claim on its own merits by considering the reply to the show cause, within a period of four weeks therefrom.”

5. The perusal of para 14 as quoted above will demonstrate that the Court has remitted the matter back to the scrutiny committee at the stage of show-cause-notice which was already given by the committee. The petitioner was directed to file his reply to the said show-cause-notice within a period of 15 days and to appear before the committee along with his explanation on 13/05/2025 and the committee was directed to hear him and decide the claim on its own merits by considering the reply to the said show-cause-notice which was already given. However, after the remand of the matter, the committee again without recording any evidence under Rule 12(2) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003 had referred the matter to the Vigilance Cell and the Vigilance Cell submitted its revised report on the basis of which another show-cause-notice was issued to the petitioner on 25/06/2025 at page 182 Annexure-S of the petition. The Vigilance Cell had procured one document of the year 1941 which was a contra entry to the caste claim of the petitioner. The petitioner had submitted his reply, denied the said entries and had also pointed out that the information supplied by the Head Master is in the English format and it has been supplied to the vigilance; however, the Head Master has not been examined.

6. In view of the above, issue notice to the respondents returnable on 11/11/2025.

7. Learned AGP waives notice for respondent Nos.1 and 2.

8. In addition to regular mode, the petitioner is permitted to serve the respondent Nos.3, 4 and 5 by all modes as permissible in law.

9. For the reasons stated above, we are inclined to grant interim relief to the petitioner.

10. In the meanwhile, there shall be ad-interim relief in terms of prayer clause (D) subject to the result of the present petition.

(RAJ D. WAKODE, J.)

(SMT. M.S. JAWALKAR, J.)

**Divya*