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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10985 OF 2017

Rishikesh Ravindra Nikam

..Petitioner

Versus

State of Maharashtra

Through its Secretary, Tribal

Development Department,

Mantralaya, Mumbai-400 032 and others

..Respondents

Mr. R. K. Mendadkar a/w Mr. C. K. Bhangoji, Advocate for the
Petitioner.

Mr. C. P. Yadav, AGP for Respondent Nos.1 to 4.

CORAM : B. R. GAVAI &

B. P. COLABAWALLA, JJ.

DATE : 18th DECEMBER, 2017

PC.

1] Rule. Rule made returnable forthwith. Heard by consent.

2] The Petitioner has approached this Court being aggrieved by the judgment and order passed by the Respondent No.2 – Scrutiny Committee dated 20th September 2017, thereby rejecting the claim of the Petitioner belonging to “Thakur” which is notified as Scheduled Tribe.

3] It appears that the Petitioner had approached the Hon'ble Supreme Court. The Hon'ble Supreme Court vide order dated 27th October 2017 has requested this Court to dispose of the Writ Petition expeditiously since the matter relates to admission in the medical course.

4] We find that the Petition deserves to be allowed on the short

(27) -WP-10985-17.doc.

ground. The father of the Petitioner namely Ravindra Jagannath Nikam has been granted validity by the Scrutiny Committee, Pune vide order dated 22nd June 2001. Not only that, but vide the order of the same date, the Petitioner's father's real brother Rajendra Jagannath Nikam has also been granted validity.

5] In view of the judgment of Division Bench of this Court in *Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others* reported in *2010(6) Mh.L.J. 401*, the claim of the Petitioner deserves to be allowed. Apart from that State Government itself has now amended the rule, where it is provided that if close of the candidate has been granted validity, then a candidate also be granted validity. Rule is therefore made absolute in the following terms :-

- I) The impugned order is therefore quashed and set aside.
- II) It is held and declared that the Petitioner belongs to “Thakur” Scheduled Tribe.
- III) The Respondent No.2 is directed to issue Caste Validity Certificate to the Petitioner within a period of eight weeks from today.

[B. P. COLABAWALLA, J.]

[B. R. GAVAI, J.]