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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13617 OF 2016

Suryajit Prakash Patil ... Petitioner

versus

State of Maharashtra and Others ... Respondents

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Mr.R.K.Mendadkar with Ms.Jayshri G. Mendadkar and Mr.Siddhant
Sawai for the Petitioner.

Mr.Vikas M. Mali, AGP for the Respondent -State.

.....

CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.

DATED : 23 JULY 2024

P.C.:

Heard the learned Counsel for the parties.

2. The Petitioner has challenged the order dated 16 June 2016 passed by Respondent No.2-Scheduled Tribe Certificate Scrutiny Committee (the Scrutiny Committee), Pune Division, Pune, invalidating the caste certificate issued to the Petitioner as belonging to Koli Mahadeo, Scheduled Tribe.

3. The Petitioner had applied to Respondent No.3- Sub Divisional Officer, Gadhinglaj, District -Kolhapur, for issuance of a caste certificate. Accordingly, the caste certificate was issued to the Petitioner by Respondent No.3- Sub Divisional Officer. The Petitioner was desirous of taking admission to the engineering course under the reserved category of Scheduled Tribe during the academic year 2016-2017. The college where the Petitioner took admission sent the Petitioner's caste certificate for verification to Respondent No.2- the Scrutiny Committee. Respondent No.2- the Scrutiny Committee, by the impugned order, has invalidated the caste certificate of the Petitioner.

4. When the Petition was taken up for admission, interim relief was granted and the Petitioner has continued his study and completed the same. However, he has not been given any degree certificate in view of the pendency of this Petition.

5. The Petitioner's father-Prakash Ramchandra Koli (Patil), earlier had filed a Writ Petition bearing No. 3030 of 1980 when his tribe claim as belonging to Mahadeo Koli was scrutinized and thereafter, provisional admission was sought to be cancelled. The Division Bench of this Court, by judgment and order on 16 January 1981, allowed the said Petition, and the Petitioner's father was declared entitled to claim relief on the basis that he belonged to the Scheduled Tribe. Thereafter, the Petitioner's sister -Jyoti Prakash Patil, had also filed a Writ Petition

bearing No. 5432 of 2002 when the Scrutiny Committee had invalidated the caste certificate of the Petitioner's sister by order dated 22 April 2002. The Division Bench of this Court, by judgment and order dated 9 October 2002, allowed the Petition observing thus :

“6. It is surprising that though it was pointed out to the Scrutiny Committee that the petitioner's father Dr. Prakash Ramchandra Patil was held to be a person belonging to Mahadeo Koli Scheduled Tribe by the High Court it should proceed to hold that his daughter does not belong to Mahadeo Koli Scheduled Tribe. When she pointed out this fact to the Scrutiny Committee it showed scant regard for it. In the judgment and order dated 16.1.1981, this Court has, in no uncertain terms, held that there was satisfactory evidence which goes to show that the petitioner's father belonged to Mahadeo Koli Scheduled Tribe. This categorical finding was brushed aside by the Scrutiny Committee by describing the said finding as inference.

7. We are amazed at the manner in which the Scrutiny Committee has tried to misinterpret the High Court's judgment and read between the lines. The important fact is that this Court has held that the petitioner's father belongs to Mahadeo Koli Scheduled Tribe. Another important fact is that in yet another judgment, the Division Bench referred to this decision in Writ Petition No. 3030 of 1980 whereby the petitioner's father was declared as belonging to

Mahadeo Koli Scheduled Tribe and directed the Scrutiny Committee to issue certificate in favour of his daughters to the effect that they belong to Mahadeo Koli Scheduled Tribe. This was sufficient to put the Scrutiny Committee on guard. It was not open for the Scrutiny Committee to dissect the judgment of the High Court which is binding on it. We disapprove of this approach.”

Thereafter, on 3 June 2003, the Scrutiny Committee issued a certificate of validity to the Petitioner’s sisters, Jyoti and Aarti on 18 June 2005. The Petitioner placed this position before Respondent No.2-the Scrutiny Committee when the Petitioner’s caste certificate was taken forward for scrutiny.

6. In the impugned order, Respondent No.2- the Scrutiny Committee has noted the decision in respect of the Petitioner’s father but has given more emphasis on the decision rendered in the case of one Pradeep Ramchandra Koli (Patil), a blood relative of the Petitioner. Respondent No.2- the Scrutiny Committee has relied on the order passed by the Division Bench of this Court in the case of *Pradeep Ramchandra Koli (Patil) versus State of Maharashtra and Others*¹ and has held that this is a recent decision. In the case of *Pradeep Ramchandra Koli (Patil)*, the Division bench has considered the decision of the Petitioner’s father - Prakash Ramchandra Koli (Patil).

¹ Writ Petition No. 1256 of 2003 dated 23 July 2010.

7. The reasoning of the Division Bench while deciding the Writ Petition of the Petitioner's sister Jyoti, which is reproduced above, squarely applies to the Petitioner's case. Merely because of the decision rendered in the case of Pradeep, validity certificates issued to the Petitioner's father and sisters do not stand automatically invalidated. As of today, the validity certificates in respect of the Petitioner's sisters and the Petitioner's father continue to remain valid.

8. The learned AGP, on instructions, states that Respondent No.2- the Scrutiny Committee is contemplating to issue a show cause notice to the Petitioner's father and sisters for cancellation of the validity certificates in light of the decision rendered in the case of *Pradeep Ramchandra Koli (Patil)*. However except contemplating to issue a show cause notice, no steps are yet been taken. The caste validity certificates issued to the Petitioner's sisters have been holding the field for almost two decades. It was open for Respondent No.2- the Scrutiny Committee to consider the status of the entire family when the Petitioner relied on the validity certificates issued to his father and sisters, subject to legal questions regarding the existence of the power of review; however, Respondent No.2- the Scrutiny Committee has not taken the steps.

9. By not taking any steps regarding validity certificates issued in favour of the Petitioner's father and sisters, the Scrutiny Committee by

invalidating the Petitioner's caste certificate has created an anomalous position whereby the Petitioner's father and two sisters are declared as belonging to the Koli Mahadeo Scheduled Tribe; however, the Petitioner is declared as not belonging to this Tribe. Respondent No.2- the Scrutiny Committee is now contemplating to issue notices to the Petitioner father and sisters, but these proceedings cannot be kept pending on that ground alone.

10. Accordingly, we propose to direct Respondent No.2- the Scrutiny Committee to issue a caste validity certificate to the Petitioner in view of the validity certificates issued to the Petitioner's father and sisters to bring consistency within the family. However, since we are issuing this direction on the basis of validity certificates issued to the Petitioner's father and sisters, in case any proceedings are initiated by Respondent No.2- the Scrutiny Committee against the Petitioner's father and sisters in respect of validity certificates issued to them, and if they are set aside, the same result will follow with respect to the Petitioner. If Respondent No.2 – the Scrutiny Committee issues notices to the Petitioner's father and sisters, notice be issued to the Petitioner as well so that consistency can be maintained.

11. The Petitioner is also put to notice that as per Section 10 of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes, (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special

Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (the Act of 2000) and as held by the Hon'ble Supreme Court in the case of *Chairman and Managing Director, Food Corporation of India & Ors. vs. Jagdish Balaram Bahira and Ors.*² that upon invalidation of the caste certificate, all the benefits shall stand withdrawn as per Section 10 of the Act of 2000.

12. As a result, the impugned order dated 16 June 2016 passed by Respondent No.2-Scheduled Tribe Certificate Scrutiny Committee, Pune Division, Pune is quashed and set aside. Respondent No.2- the Scrutiny Committee will issue a certificate of validity to the Petitioner as belonging to the Mahadeo Koli Scheduled Tribe within a period of four weeks from today. the Writ Petition is allowed. The caste validity certificate so issued will be subject to the above clarifications and riders.

13. The Writ Petition is disposed of in above terms.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)

² (2017) 8 SCC 670