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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.11026 OF 2017

Shriram s/o Vitthal Surywanshi,
Age : 45 years, Occ. Service,
R/o Deopur, Dhule,
Tq. & Dist. Dhule

..PETITIONER

VERSUS

1. Scheduled Tribe Certificate
Scrutiny Committee, Nashik
through its Member Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Nandurbar
through its Member Secretary
3. Divisional Controller,
Maharashtra State Road
Transport Corporation,
Dhule, Dist. Dhule
4. Divisional Controller,
Maharashtra State Road
Transport Corporation,
Nashik, Dist. Nashik

..RESPONDENTS

Mr Mahesh S. Deshmukh, Advocate for petitioner;
Mr G.O. Wattamwar, A.G.P. for respondent no.1;
Smt. R.D. Reddy, Advocate for respondents no.3 & 4

**CORAM : PRASANNA B. VARALE
AND
RAVINDRA V. GHUGE, JJ.**

DATE : 14th September, 2018

ORAL ORDER:

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1. Heard Mr Deshmukh, learned Counsel appearing on behalf of the petitioner; learned Asstt. Govt. Pleader on behalf of respondent no.1 and Smt. Reddy, learned Counsel on behalf of respondents no.3 and 4, who are the contesting parties.

2. The petition is taken up for hearing with the consent of the parties.

3. The limited grievance of the petitioner is that he submitted a claim before respondent no.1 Scheduled Tribe Certificate Scrutiny Committee for validation of his tribe claim and on 18th May, 2002 the Committee passed the order, which was a conditional order. Our attention is invited to the order passed by the Committee and the same reads thus:-

“Considering the above facts and documents the Scrutiny Committee come to the conclusion that only the applicant is individually entitled to get benefits of Thakur Scheduled Tribe community subject to condition of the decision in respect of Baburao Shinde Vs. State of Maharashtra & Ors. In Writ Petition No.4123 of 1999 pending before the Division Bench of High Court Bench at Aurangabad.”

4. Mr Deshmukh submits that the Committee, on assessment of the material placed before it, found nothing wrong in the tribe claim of the petitioner, but only in view of the pendency of the petition in the matter of Shri Baburao Rajaram Shinde Vs. State of Maharashtra & ors., has passed a conditional order. Mr Deshmukh then invited our attention to the judgment

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dated 26th July, 2016, rendered by the Division Bench of this Court in Writ Petition No.7669 of 2016 (Rajesh Nimba Wagh vs. Scheduled Tribe Certificate Scrutiny Committee, Nashik & anr.), copy of which is placed on record at Exh."F". Mr Deshmukh then submitted that the petitioner herein is similarly circumstanced with Rajesh Nimba Wagh, petitioner in Writ Petition No.7669 of 2016 and identical facts are involved in both the petitions. In the matter of Rajesh Nimba Wagh also, the Committee had passed a conditional order. He refers to a decision of the Division Bench of this Court (Coram : R.M. Borde & K.L. Wadane, JJ.) dated 26th July, 2016 and submits that considering the very fact-situation and by observing that the petition filed by Shri Baburao Shinde is allowed by this Court, the decision of the Scrutiny Committee dated 29th May, 1999, impugned in the said petition, was quashed and set aside and the Scrutiny Committee was directed to issue validity certificate in favour of the petitioner. It would also be useful to refer to further observations of the Division Bench that the decision rendered by the Division Bench has attained finality since no further proceedings are taken up to challenge the decision of the High Court. Thus, Mr Deshmukh submitted that as the petitioner herein is similarly circumstanced with Rajesh Nimba Wagh, the petition be allowed on the line of the directions of this Court in judgment dated 26th July, 2016.

5. On perusal of the material placed on record, the order impugned in the present petition and the judgment dated 26th July, 2016 rendered by the

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Division Bench of this Court, we find considerable merit in the submissions of the learned Counsel appearing on behalf of the petitioner. We see no reason to take any other view than the view adopted by the Division Bench of this Court in the judgment dated 26th July, 2016.

6. In the result, writ petition stands allowed.

Respondent no.1 Scrutiny Committee is directed to issue validity certificate in favour of the petitioner certifying that the petitioner belongs to “Thakur” - Scheduled Tribe category, without imposing any pre-condition, as expeditiously as possible and not later than a period of eight weeks from the date of this order, if it is not already decided by the Committee.

The condition imposed by respondent no.1 Scrutiny Committee while directing issuance of the validity certificate in favour of the petitioner stands quashed and set aside.

(RAVINDRA V. GHUGE, J.)

(PRASANNA B. VARALE, J.)

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