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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 8098 OF 2021

Siddhi Ravindra Kedare

... Petitioner

V/s.

State of Maharashtra and Ors.

... Respondents

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

Ms. P.J. Gavhane, AGP for the Respondent - State

***CORAM : SUNIL B. SHUKRE &
G.A. SANAP, JJ.***

DATE : 7 MARCH 2022

P.C. :-

Heard the learned Counsel for the parties.

2. Leave to amend the prayer clauses by substituting the word "Thakur" by the word "Halba" is granted. Amendment be carried out forthwith

3. Rule. Rule made returnable forthwith. Heard finally by consent of parties.

4. The fundamental basis of the impugned order is rejection of tribe claim of Jagdish Suresh Kedare, admittedly cousin of the Petitioner from the paternal side by the Committee at Nasik. Such rejection of the claim has been held to be illegal by another Division Bench of this Court in Writ Petition No. 7406 of 2017 which was filed by Jagdish Suresh Kedare. This Petition was decided on 5 August 2021. By its decision, the Division Bench made Rule absolute in terms of prayer clauses (a) and (b) and the Respondents therein were given two weeks' time to comply with these directions. The same Scrutiny Committee at Nashik, which has passed the impugned order, thereafter complied with those directions and issued validity certificate to Jagdish Suresh Kedare on 13 August 2021. Copy of the judgment and copy of the validity certificate are produced before this Court. These documents are marked as 'A' and 'B' for the sake of identification.

5. On perusal of document 'B' it can be clearly seen that it has been issued by Respondent No.2 – Scrutiny Committee, which has passed the impugned order in the present case. This document is the certificate of validity granted to Jagdish Suresh Kedare. Issuance of such validity certificate to Jagdish Suresh Kedare has resulted in wiping out the very basis of the impugned order.

6. Following issuance of tribe validity certificate to Jagdish Kedare, the Respondent No.2 – Scrutiny Committee has also issued

tribe validity certificate to Sanika Jagdish Kedare, daughter of Jagdish Kedare. This document is produced before the Court and marked as 'C' for identification. Document 'C' confirms our conclusion that now the basis of the impugned order has been removed.

7. Such being the established facts of this case, now the impugned order would have to be held as illegal and bad in law and we do so. Therefore, it deserves to be quashed and set aside with necessary directions.

8. The Petition is, therefore, allowed and the Respondent No.2 is directed to issue tribe validity certificate to the Petitioner as she belonging to Halba scheduled tribe within a period of two weeks from the date of the receipt of the order.

9. Rule is made absolute in the above terms. No costs.

G.A. SANAP, J.

SUNIL B. SHUKRE, J.