



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 26 OF 2016

Hemant Yashwant Gaikwad

.... Petitioner

VS

- 1 State of Maharashtra
- 2 Scheduled Tribe Certificate
Scrutiny Committee, Pune
- 3 Addl. Commissioner of Police
Special Branch 1, Mumbai
- 4 Tahsildar and Executive
Magistrate, Wai, Dist. Satara

.... Respondents

Mr. R.K. Mendadkar with Ms. Komal Gaikwad for the petitioner.
Ms. Nisha Mehra, AGP for respondents 1 to 3/State.

**CORAM: ANOOP V. MOHTA AND
RAVINDRA V. GHUGE, JJ.**

DATE : May 04, 2017

FINAL ORDER:

- 1 Rule. Rule is made returnable forthwith. Heard finally by consent of parties.
- 2 The Petitioner, who is claiming to be Thakar-Scheduled Tribe caste, filed the present writ petition as the caste certificate is invalidated by Respondent No.2-Scrutiny Committee inspite of the fact that the Petitioner's paternal cousin – Ramesh Maruti Gaikwad

has been already granted certificate of validity on 10.11.2004. The same has remained intact. There is no case of fraud and/or misrepresentation even alleged and/or pointed out from the record.

3 In view of the above admitted position on record and further in view of the recent judgment of this Court in similarly placed persons, in **Writ Petition No.3190/2010-Mohit Suresh Deore v. The State of Maharashtra** decided on 11.04.2017, we are inclined to dispose of the present writ petition for the same reasons. Therefore, the following order :

ORDER

(a) The writ petition is allowed in terms of prayer (a) which reads thus:

a) That this Hon'ble Court be pleased to issue writ of certiorari and/or any other writ, order or direction in the nature of certiorari thereby quashing and setting aside the impugned judgment and order dated 2.11.2015 passed by the Respondent No.2-Committee to the Writ Petition, with further direction to Respondent No.2-Committee to issue Certificate of validity in respect of caste certificate dated 17.8.1992

issued by the respondent No.4 in favour of the
Petitioner.

(b) The Respondents to comply with this order
preferably within three months.

(c) Rule made absolute accordingly.

(d) No costs.

(RAVINDRA V. GHUGE J.)

(ANOOP V. MOHTA, J.)