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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8017 OF 2019

Onkar Nitin Londhe

....Petitioner

V/s.

State of Maharashtra

through the Secretary,

Tribal Development Department

and Ors.

....Respondents

* * * *

Mr. R.K. Mendadkar, Advocate for the petitioner.

Mr. R.A. Salunkhe, AGP for State-respondent no.1.

Mr. Sandip Patil, Research Officer present.

Mr. Vikas Daund, Law Officer present.

CORAM : S.C. DHARMADHIKARI, &

SANDEEP K. SHINDE, JJ.

Tuesday, 23rd July, 2019.

P.C. :

1. After Mr. Mendadkar, brought to our notice

the fact that the father of the petitioner, Nitin Dwarkadas Londhe was issued a Certificate of Validity by this very Pune Scrutiny Committee on 24th June, 2003 and that Certificate of Validity has still not been cancelled and confiscated, we enquired with Mrs. Salunkhe, as to how this Scrutiny Committee can deny a Certificate of Validity to the son. She would submit that in the father's case, the Committee has not discovered that there was no vigilance enquiry nor was any home enquiry report called for.

2. We do not think that a son should be visited with such adverse order and the serious legal consequences as the petitioner is visited with. Neither the petitioner nor his father is responsible for the law, which is not complied with by the

Committee in the year 2003. For all we know, there was the Maharashtra Act 23 of 2001 duly enacted but neither there were any rules nor were there any instructions or Circulars in the field. In the circumstances, so long as the Certificate of Validity issued to the father is not confiscated or cancelled by a process known to law, a Certificate of Validity cannot be denied to the petitioner.

3. Let the petitioner be therefore issued a Certificate of Validity certifying as Hindu-Thakar Scheduled Tribe (Entry No.44) of the Scheduled Tribe Earlier Order, 1950 as stated by Mrs. Salunkhe on/or before Thursday, 25th July, 2019.

4. We place this matter for compliance on 29th July, 2019.

5. All concerned to act on authenticated copy of this order meaning thereby that this order itself is

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one accepting the claim of the petitioner as belonging to Hindu-Thakar Schedule Tribe and treat it as Certificate of Validity and despatch it to the petitioner.

(SANDEEP K. SHINDE J.)

(S.C. DHARMADHIKARI, J.)