

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

WRIT PETITION NO.3759 OF 2014

Nababshah Shaukatshah
Age: 44 years, Occu. Service,
R/o. At post Kukana,
Tq. Newasa, Dist. Ahmednagar.

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Department of Social Welfare
Mantralaya, Mumbai-32.
2. Scheduled Caste Scrutiny
Committee Nashik Division,
Nashik.
3. The Commissioner,
Social Welfare Division Nashik
Nashik.
4. The Principal,
Kukana Secondary and
Higher Secondary School,
Kukana, Tq. Newasa,
Dist. Ahmednagar.

... Respondents

...

Mr.V.S.Bedre, Advocate H/f. Mr.P.S.Pawar, Advocate
for Petitioner;
Mrs. A.G.Gondhalekar, AGP for Respondent Nos.1 to 3.

**CORAM : R.M.BORDE &
P.R.BORA,JJ.**

DATE : 12th October,2015.

ORAL JUDGMENT (PER:-R.M.BORDE,J.)

1) Heard. Rule. Rule made returnable

forthwith. With the consent of learned Counsel for the parties, the petition is taken up for final disposal at admission stage.

2) The petitioner is objecting the order of invalidation of caste certificate, dated 10th January 2014, passed by the Caste Scrutiny Committee.

3) The petitioner claims to belong to "Chapparband", Vimukta Jati. A certificate, certifying that the petitioner belongs to "Chapparband" has been issued by the competent authority, which was referred to the Scrutiny Committee for its verification. On consideration of the evidence placed on record by the petitioner, the Scrutiny Committee rejected the tribe claim of the petitioner.

4) Before the Committee, in support of the caste claim, the petitioner has placed reliance on the Caste Validation Certificate issued in favour of his daughter by the scrutiny Committee on 16.09.2013; so also the Caste Certificate issued in favour of nephew on 30.08.2013. The petitioner contends that

since the blood-relations have been issued Caste Certificates, including the daughter, it was not open for the Scrutiny Committee to invalidate the caste claim of the petitioner.

5) On perusal of the impugned order passed by the Scrutiny Committee as well as the original record, it does not transpire that the petitioner had produced before the Scrutiny Committee the aforesaid two certificates. As such, there was no occasion for the Scrutiny Committee to consider the impact of issuance of the Caste Validation Certificate in favour of blood-relations of the petitioner.

6) In order to meet the ends of justice, we deem it appropriate to quash and set aside the impugned order passed by the Committee and relegate the petitioner back to the Scrutiny Committee with directions to the Committee to decide the caste claim of the petitioner afresh, after extending an opportunity of hearing to the petitioner. It would be open for the petitioner to produce the relevant record in support of his caste claim, including the Caste Validation Certificates issued in favour of his

near relations, referred to above. The Committee shall, after taking into consideration the evidence/material placed on record by the petitioner, proceed to decide the caste claim afresh in accordance with the provisions of law, as expeditiously as possible and preferably within a period of one year from today.

7) The petitioner shall appear before the Caste Scrutiny Committee on 25th October, 2015 and as such, no separate notice, requiring his presence before the Committee is necessary.

8) During pendency and final disposal of the caste claim of the petitioner before the Committee, no adverse action shall be taken against the petitioner by the employer.

9) Rule is accordingly made absolute in above terms. There shall be no order as to costs.

sd/-
(P.R.BORA)
JUDGE

sd/-
(R.M.BORDE)
JUDGE

bdv/