

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.10420 OF 2014

Ravindra Tulshiram Ishi (Koli),
age: 39 years, Occ: Nil,
R/o Sant Sena Nagar, 17-B,
Vidyanagari Post, Devpur,
Dhule, District Dhule 424 005.

Petitioner

Versus

1 The State of Maharashtra,
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.

2 The Scheduled Tribe Caste
Certificate Scrutiny Committee,
Nandurbar Division, Nandurbar.

Respondents

Mr.A.S.Bayas, advocate for the petitioner
Mr.P.S.Patil, A.G.P. for Respondents.

**CORAM : R.M.BORDE &
A.I.S.CHEEMA, JJ.
DATE : 24th November, 2015**

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 The petitioner is objecting to the order passed by the Scrutiny Committee on 29.09.2014, directing invalidation of caste/tribe certificate issued in favour of the petitioner.

3 Petitioner claims to belong to Tokare Koli, a Scheduled Tribe. The caste/tribe certificate issued in favour of the petitioner

certifying that he belongs to aforesaid tribe was referred to the Scrutiny Committee and the Scrutiny Committee, after conducting inquiry, has directed invalidation of caste/tribe certificate of the petitioner.

4 On perusal of original record of the Scrutiny Committee, it is noticed that there are deficiencies in respect of vigilance cell report. Rule 10 of the Rules of 2003 provides for constitution of vigilance cell. The vigilance cell consists of (i) A Senior Deputy Superintendent of Police; (ii) Police Inspector; (iii) Police Constables to assist the Police Inspector; and (iv) Research Officer. It is expected of the officials of police department to scrutinize record and find out whether there are deficiencies in the true copies submitted on record and the original documents. A Research Officer is attached to the vigilance cell with a view to examine the particular traits and characteristics of the tribal community and with a view to report to the Scrutiny Committee as to whether applicant satisfies his affinity and ethnic linkage to the particular tribe and as to whether traits and characteristics disclosed by the applicant are similar to the particular tribal community. In nutshell, the Research Officer has to inform the Scrutiny Committee as regards applicant's affinity and ethnic linkage to Mannervarlu, Scheduled Tribe.

5 In the instant matter, it does not appear that the Research Officer was part of the Vigilance Cell since comments of the Research Officer do not find place on record. The requirement in respect of tendering of report by Vigilance Cell cannot be said to have been complied with in the instant matter. The Scrutiny

Committee, can consider report of the Vigilance Cell together with comments of the Research Officer attached to the Vigilance Cell and examine the matter in its proper perspective. In the instant matter, there is nothing on record to infer that the Research Officer was part of the Vigilance Cell. As such, we deem it appropriate to remit back the matter to the Scrutiny Committee.

6 The Scrutiny Committee shall call report of the Vigilance Cell, which shall include Research Officer and the report shall consists of comments of the Research Officer. On receipt of the same, the Scrutiny Committee shall furnish copy of the said report to the petitioner and the Scrutiny Committee, thereafter, shall, on receiving necessary evidence, which the petitioner may produce, proceed to verify the caste/tribe certificate of the petitioner. Necessary exercise shall be undertaken and final order shall be pronounced by the Scrutiny Committee within a period of six months from today. The petitioner undertakes to cooperate the Scrutiny Committee for expeditious disposal of the proposal for verification. The order passed by the Scrutiny Committee, impugned in this petition, is quashed and set aside and the matter stands remitted back to the Scrutiny Committee with the directions as recorded above.

7 Rule is accordingly made absolute. There shall be no order as to costs.

A.I.S.CHEEMA
JUDGE

adb/wp1042014

R.M.BORDE
JUDGE