

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.223/2014

Ashok Ramrao Thakur

...Versus...

Committee for Scrutiny and Verification of Tribe Claim, Maharashtra State,
Amravati Division, Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.G. Joshi, Advocate for petitioner
Shri A.L. Deshpande, Advocate for respondent

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : 05.05.2015

By this petition, the petitioner seeks a direction to the respondent – Scrutiny Committee to validate the claim of the petitioner of belonging to Thakur Scheduled Tribe.

According to the petitioner, though the claim of the petitioner was sent to the Scrutiny Committee for verification in the year 2003 and though a caste validity certificate was issued in favour of the petitioner's daughter on 10.2.2003, the Scrutiny Committee had not decided the caste claim of the petitioner till the writ petition was filed on 8.1.2014. It is stated that since a validity certificate was granted in favour of the petitioner's daughter after conducting a vigilance enquiry, it is necessary for the respondent – Scrutiny Committee to grant a validity certificate in favour of the petitioner. It is stated that the Scrutiny Committee is unnecessarily delaying the matter and a direction be issued to decide the caste claim at the earliest. It is stated that the petitioner has retired on attaining the age of superannuation in the midst of 2014.

Shri A.L. Deshpande, the learned Counsel for the Scrutiny Committee states on the basis of the affidavit-in-reply that a

vigilance enquiry is conducted in the case of the petitioner and the petitioner and his daughter would be called by the Committee for hearing, as according to the Scrutiny Committee the daughter could not have been issued a caste validity certificate on the basis of the available material.

The statement made on behalf of the Scrutiny Committee in the affidavit-in-reply is deprecated. The Scrutiny Committee would not have the jurisdiction to call the daughter of the petitioner for hearing and ask her how she was granted the caste validity certificate. The Scrutiny Committee can only consider the caste claim of the petitioner and decide the same in accordance with law. Once a caste certificate is issued to the daughter of the petitioner, the matter cannot be again reopened by the Scrutiny Committee to consider as to how the same Scrutiny Committee granted a validity certificate in her favour. We find something fishy in the inaction on the part of the Scrutiny Committee in not verifying and deciding the caste claim of the petitioner within a period of twelve years. It would be necessary to direct the Scrutiny Committee to decide the caste claim of the petitioner within a time-frame.

Hence, in view of the aforesaid, the writ petition is allowed. The respondent – Scrutiny Committee is directed to take a decision on the caste claim of the petitioner within a period of two months. The petitioner undertakes to remain present before the Scrutiny Committee on 20.05.2015 so that issuance of notice to the petitioner could be dispensed with.

Order accordingly. No order as to costs.

JUDGE

JUDGE