

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

WRIT PETITION NO. 2950 of 2014

(Sau. Ranjana w/o Anil Jadhav Vs. State of Mah. through its Secretary, Dept.
of Social Justice and Special Assistant and ors.)

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

Court's or Judge's order

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 Shri O. Y. Kashid, Advocate for petitioner
 Shri S. D. Chande, Advocate for respondent no. 3
 Shri C. N. Adgokar, AGP for respondent nos. 1 and 2

CORAM : **B.P.DHARMADHIKARI &**
A.P.BHANGALE, JJ.

DATE : **FEBRUARY 9, 2015.**

Heard.

Learned counsel for petitioner submits that respondent no. 3, though not residing in specified area in Vidarbha, obtained Caste Certificate as belonging to Scheduled Caste and contested the election. Petitioner has, therefore, raised objection pointing out that she was not residing in Vidarbha part. That objection has been found valid. However, instead of invalidating caste claim, respondent no. 2 has sent the matter to its counterpart in Latur District for obtaining vigilance cell. After obtaining that report, respondent no. 2 is intending to take further decision.

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Learned AGP as also Shri Chande, learned counsel submit that caste claim of respondent no. 3 is still not invalidated and verification proceeding is going on.

We have perused the reply filed on behalf of the respondent no. 2. Respondent no. 2 has pointed out that as the father of respondent no. 3 was permanently residing at Hingoli, the papers were forwarded to Divisional Caste Scrutiny Committee, Latur for vigilance enquiry on 1-4-2014. The report of that vigilance cell is yet to be received.

We find at this stage that this statement has been made in affidavit sworn on 14-11-2014. Thus, practically, period of more than ten months has already expired. In this situation, interest of justice can be met with by directing respondent no. 2 as also Divisional Caste Scrutiny Committee, Latur to complete the exercise at the earliest.

Divisional Caste Scrutiny Committee, Latur is not party before this Court. Respondent no. 2 has forwarded papers for vigilance enquiry to Committee at Latur. Said Committee at Latur to whom papers have been forwarded shall submit vigilance report to respondent no. 2

within a period of three months from today.

After receipt of vigilance report, the respondent no. 2 or other competent authority shall take decision in accordance with the Maharashtra Scheduled Caste, Scheduled Tribes, De notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 and complete it within next three months.

After receipt of vigilance report, the petitioner shall also be given an opportunity to appear and contest before the concerned Committee.

Thus caste claim of respondent no. 3 shall be verified within next six months.

With these directions and keeping all rival contentions open, writ petition is disposed of.

No costs.

JUDGE

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