

**FARAD CONTINUATION SHEET No.**  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**WRIT PETITION NO. 1346/2015**

(SHARAYU PADMAKAR PAUNIKAR **VERSUS** THE S.T. CASTE SCRUTINY COMMITTEE, NAGPUR & OTHERS)

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

Shri R.S. Parsodkar, counsel for the petitioner.  
Ms T. Khan, A.G.P. for the respondents.

**CORAM : SMT. VASANTI A. NAIK AND  
A.I.S. CHEEMA, JJ.**  
**DATE : AUGUST 31, 2015.**

Heard.

By this petition, the petitioner seeks a direction to the respondent nos.1 and 2 to issue the certificate of belonging to Halba Scheduled Tribe to the petitioner. The petitioner challenges the order of the competent authority refusing to grant a certificate in favour of the petitioner and the order of the scrutiny committee upholding the order of the competent authority.

It is stated on behalf of the petitioner that the competent authority refused to grant the certificate of Halba Scheduled Tribe to the petitioner on the ground that the petitioner had not produced the documents showing the birth and death entries of the near relatives of the petitioner and had also not tendered any proof of residence and the caste validity certificates issued in favour of the near relatives. It is submitted that as many as twenty documents were tendered by the petitioner before the scrutiny committee in an appeal under the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance & Verification of) Caste Certificates Act, 2000 (Act No.23 of 2001)

but, the Scrutiny Committee illegally conducted the vigilance enquiry and held that the competent authority had rightly rejected the application of the petitioner for grant of certificate as in some of the old records in stead of Halba, the entry of 'Koshti' caste was found. It is submitted that the scrutiny committee did not have jurisdiction to conduct a vigilance enquiry in the appeal filed by the petitioner against the order rejecting the issuance of a caste certificate.

It is submitted on behalf of the learned Assistant Government Pleader that the competent authority rightly rejected the application of the petitioner as the petitioner did not tender the relevant documents. It is, however, admitted that the scrutiny committee did not have the jurisdiction to conduct the vigilance enquiry before dismissing the appeal filed by the petitioner.

On hearing the learned counsel for the parties, we find that though the petitioner may not have tendered the relevant documents before the competent authority while seeking the caste certificate, the petitioner had tendered twenty documents before the scrutiny committee in support of her claim of belonging to Halba Scheduled Tribe. The scrutiny committee was not entitled to conduct a vigilance enquiry in the appeal as it was not considering the validity of a caste claim. It was necessary for the scrutiny committee to have considered the documents tendered by the petitioner for directing the competent authority to issue the necessary caste certificate. We find that the petitioner's father is granted a caste validity certificate in terms of the order passed by this Court.

Hence, for the reasons aforesaid, the writ petition is allowed. The impugned orders are quashed and set aside. The respondent no.2-Competent Authority is directed to issue a caste certificate in favour of the petitioner as early as possible and positively within a period of one month.

Order accordingly. No costs.

**JUDGE**

**JUDGE**

APTE