

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

WRIT PETITION NO. 4516 OF 2013

(Himmat Mohansingh Padwal vs. The Scheduled Tribe Certificate Scrutiny Committee, thr.
its Dy. Director, Amravati & Ors.) AND

WRIT PETITION NO. 4424 OF 2013

(Mangalsingh Malkhan Sable vs. The Scheduled Tribe Certificate Scrutiny Committee, thr.
its Dy. Director, Amravati & Ors.) WITH

WRIT PETITION NO. 4425 OF 2013

(Pachusing Jalamsing Sable vs. The Scheduled Tribe Certificate Scrutiny Committee, thr. its
Dy. Director, Amravati & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
A.P. BHANGALE, JJ.
JANUARY 05, 2015.**

Heard Shri Shende, learned counsel for
the petitioners.

This Court has on 19.08.2013 and
21.08.2013 issued notice and protected employment
of the petitioners. Their caste claim has been
invalidated by Respondent No. 1 – Scrutiny
Committee after receipt of report from the office of
the Tahsildar, Manora, that said office has not issued
any caste certificate in favour of these petitioners.

Shri Shende, learned counsel states that
the petitioners were not given any opportunity after
receipt of that report and directly impugned orders
have been passed, invalidating their caste claims.

Shri Deshpande, learned Standing counsel

for respondent No. 1 – Scrutiny Committee supports the order. According to him, as the basic document itself is found to be bogus, the Scrutiny Committee has taken correct view of the matter.

Smt. Joshi, learned AGP for respondent No. 3 supports the arguments of Shri Deshpande, learned counsel for respondent No. 1.

Shri Ghuge, learned counsel for respondent No. 2 in Writ Petition No. 4425 of 2013 submits that the employer is duty bound to abide by the verdict of the Scrutiny Committee.

In similar controversy, this Court has already found that merely on the basis of such report from the office of the Tahsildar, the caste claim could not have been invalidated. The concerned petitioner needed to be informed about such report and after giving him necessary opportunity to meet it, the orders could have been passed. Apparently, no such opportunity has been given to the present petitioners. The matters are pending before this Court since August 2013.

In this situation, interest of justice can be met with by directing the petitioners to appear before Respondent No. 1 – Committee on 09.02.2015 and to abide by its further instructions in the matter. The Committee shall hear the petitioners on the report received from the office of the Tahsildar and after giving them an opportunity to demonstrate its

incorrectness or otherwise, proceed to pass necessary orders. Those orders shall be passed as early as possible and in any case within two months after the date of appearance mentioned supra. If the certificate is found to be issued by the Competent Authority, the Scrutiny Committee shall proceed to verify the same in accordance with 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, (Act No. 23 of 2001) and take suitable decision on merits within next eight months.

Till the Scrutiny Committee passes orders either on the propriety of the caste certificate received by the petitioners or then on merits, the interim orders passed by this Court on 19.08.2013 shall continue. Said orders of this Court shall be subject to further orders of the Scrutiny Committee in the matter.

The impugned orders passed by the Scrutiny Committee are quashed and set aside. Writ Petitions are partly allowed and disposed of. No order as to costs.

JUDGE

JUDGE

*G.S.