

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

WRIT PETITION NO.4839/2015

Mrs. Jaishree M. Sawatkar

...Versus...

The Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur through its
Member – Secretary and others

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

Court's or Judge's orders

Shri S.A. Radke, Advocate for petitioner
Shri D.M. Kale, AGP for respondent nos.1 o 3

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : 21.10.2015

Heard.

The learned Counsel for the petitioner had stated on the last date of hearing that the respondent – Scrutiny Committee has wrongly refused to verify the caste claim of the petitioner on the ground that the petitioner had not tendered the old documents of the pre-independence era.

In view of the aforesaid statement, we had issued a notice to the respondents. Shri Kale, the learned Assistant Government Pleader appearing on behalf of the respondents states that under Rule 16 of the Maharashtra Scheduled Castes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012 it

would be necessary for the applicant to supply the evidence or information in regard to the proof of permanent residence in the State of Maharashtra. It is stated that the petitioner has not supplied the said material to the Scrutiny Committee and hence, the Scrutiny Committee has refused to verify the caste claim of the petitioner due to non-compliance of the provisions of the Rules of 2012. It is stated that the petitioner may resubmit the caste certificate and the necessary documents to the respondent nos.2 and 3 and the respondent nos.2 and 3 may send the same to the Scrutiny Committee for verification. It is submitted that it would however be necessary for the petitioner to give the proof of permanent residence in the State of Maharashtra, before the appointed date i.e. 10.8.1950.

The learned Counsel for the petitioner states that within a period of six weeks the necessary proof in respect of the permanent residence of the petitioner as on 10.8.1950 would be tendered to the respondent nos.2 and 3 along with the caste certificate and the relevant documents so that the same may be remitted to the respondent no.1 – Scrutiny Committee for verification.

By accepting the statement made on behalf of the parties, we dispose of the writ petition with a direction to the petitioner to submit the caste certificate with the necessary documents including the documents in respect of the proof of the permanent residence of the petitioner, as on 10.8.1950 to the respondent nos.2 and 3 within a period of six weeks and a further direction to the respondent nos.2 and 3 to remit the caste claim of the petitioner to the Scrutiny Committee for verification

of the same within a period of two weeks, from the date of receipt of the documents. The respondent nos.2 and 3 are free to consider taking an action of termination against the petitioner, if the petitioner fails to submit the caste certificate and the necessary documents to the respondent nos.2 and 3 for referring them to the Scrutiny Committee for verification. The services of the petitioner are protected till her caste claim is decided.

Order accordingly. No costs.

JUDGE

JUDGE

Wadkar