

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

WRIT PETITION NO.6926 OF 2013
and
CIVIL APPLICATION (CAW) NO.269 OF 2015
Ramesh Kanuji Meshram

..vs..

**The State of Mah., thr the Secretary, Tribal Development
Department, Mantralaya, Mumbai and ors**

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

Court's or Judge's order

Shri V.R. Choudhari, Counsel for the Petitioner.
Ms T. Khan, AGP for R-1.
Shri K.P. Sadavarte, Counsel for R-2.
Mrs. Bharti Dangre, Counsel for R-3.
Shri S.G. Zinzarde, Counsel for Intervenor / R-4.

CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.
DATE : FEBRUARY 17, 2015.

Heard.

On 3.2.2015 this Court has passed
following order, thus :-

*“Heard Shri Chaudhari, learned counsel
for the petitioner, Shri Adgokar, learned
AGP for respondent No. 1, Shri
Sadavarte, learned counsel for
respondent No. 2, Mrs. Dangre, learned
counsel for respondent No. 3 and Shri
Zinjarde, learned counsel for respondent
No. 4.*

.....2/-

The petitioner, prima facie, is indulging in roving practices. He has not pointed out that any of his blood relatives have been given validity as Binjhar Scheduled Tribe. He has also not pointed out whether the caste claim of his blood relatives has been invalidated.

The prayer before this Court is to grant him an opportunity to lead evidence. The names of witnesses are not disclosed in the petition. The petitioner has procured employment after coming into force of 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).

In this situation, we grant the petitioner time of one week by way of last chance to place on record list of witnesses who will appear before the Committee.

List for further consideration on 10.02.2015 by way of last chance.

Interim order to continue till 10.02.2015.”

Civil Application (CAW) No.269 of 2015 has thereafter been taken out giving names of three persons. Shri V.R. Choudhari, learned counsel for the petitioner, states that those three

persons are to be examined to prove affinity.

Learned counsel appearing for the respective respondents are opposing the prayer in the civil application.

However, paragraph No.7 of the impugned order of the Caste Scrutiny Committee shows that on 28.11.2013 when the matter was before the Scrutiny Committee, the petitioner sought four weeks time to produce the witnesses. His request was rejected only because matter before the Scrutiny Committee was old.

It is apparent that rejection is, therefore, unsustainable.

Accordingly, only to enable the petitioner to examine three witnesses, mentioned in Civil Application (CAW) No.269 of 2015, we set aside order dated 30.11.2013.

We direct the petitioner to appear before respondent No.2 – Caste Scrutiny Committee on 16.3.2015 and to abide by its further

instructions in the matter. On that day, the petitioner shall also take with him three witnesses mentioned by him in paragraph No.2 of his civil application. It will not be necessary and he shall not insist for issuance of summons to the said witnesses.

The Caste Scrutiny Committee shall arrange for recording the evidence of those witnesses. After such recording, the Committee shall hear the petitioner afresh and pass suitable orders on the caste claim within next two months.

With these directions, we dispose of the writ petition. No costs.

JUDGE

JUDGE

!! BRW !!

...../-