

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.2300 OF 2016

Babanrao Dashrath Dongre,
age: 56 years, Occ: Agriculture
and Medical Practitioner,
R/o Navnagapur, Tq. Nagar,
District Ahmednagar.

Petitioner

Versus

01 The State of Maharashtra,
through the Secretary for
Tribal Development Department,
Mantralaya, Mumbai.

02 The Member Secretary and
Research Officer,
Caste Certificate Scrutiny Committee,
Nashik Division Committee No.1,
Nashik.

03 Sau. Sushila Yoshif Jagtap @
Sushila Kacharu Kharat,
age: 51 years, Occ: Household,
R/o Navnagapur, Tq. Nagar,
District Ahmednagar.

Respondents

Mr.Ashwin V. Hon, advocate for the petitioner.
Mr.V.M.Kagane, A.G.P. for Respondents No.1 & 2.
Mr.V.D.Sapkal, advocate for Respondent No.3.

**CORAM : R.M.BORDE &
K.L.WADANE, JJ.
DATE : 26th July, 2016**

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 The petitioner is objecting to the validity certificate issued in favour of Respondent No.3 by Respondent No.2-Scrutiny Committee, certifying that Respondent No.3 belongs to “Mahar”, Scheduled Caste.

3 In order to verify the contentions raised in the petition, we have directed Respondent-Scrutiny Committee to produce the original record relating to verification proposal in respect of Respondent No.3. On perusal of the record, it appears that notings prepared by the Scrutiny Committee and the order does not record reasons. Apart from this, relevant columns in the printed notes are kept blank. There was no vigilance enquiry in the matter before directing validation of caste certificate. The evidence produced on record also fall short of establishing claim of Respondent No.3. In the circumstances, since the Scrutiny Committee has issued validity certificate in breach of relevant rules, we deem it appropriate to remit the matter back to the Scrutiny Committee.

4 Writ Petition is, thus, allowed. The validity certificate issued in favour of Respondent No.3 is quashed and set aside and the matter stands remitted back to the Respondent No.2- Scrutiny Committee. Respondent – Scrutiny Committee, after extending an opportunity of hearing to Respondent No.3 as well as petitioner and in observance of procedure prescribed under the Rules, shall proceed to scrutinise verification claim of Respondent No.3. The

Scrutiny Committee shall take appropriate decision in the matter, as expeditiously as possible, preferably within a period of eight months from today. It is clarified that this Court has not expressed any opinion as regards merits of the contentions raised by the petitioner or Respondent No.3 and it would be open for the Scrutiny Committee to take decision on consideration of merits of claim of Respondent No.3.

5 It is informed that Respondent No.3 is occupying elected office of *Sarpanch*. Respondent No.1 or any other State authority shall not take any adverse action against Respondent No.3 on the ground of quashing of validity certificate issued in her favour, under the directions of this Court until disposal of his proposal for verification before the competent Committee i.e. Respondent No.2. Parties undertake to appear before the Scrutiny Committee on 4th August, 2016 and as such, no separate notice, requiring their presence before the Committee shall be necessary.

6 Rule is accordingly made absolute. There shall be no order as to costs.

K.L.WADANE
JUDGE

adb/wp230016

R.M.BORDE
JUDGE