

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 3825 OF 2012

Ram s/o Limbaji Chapte
age 31 years, occ. Service as
Asst. Teacher, Dnyaneshwar Vidyalaya,
Shahu Chowk, Meghraj nagar, Latur
Dist. Latur.

.. PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai 32.
2. Scheduled Tribe Caste Verification
Scrutiny Committee, Aurangabad
Division Aurangabad
through its Deputy director / Vice chairman
3. Sanjaykumar Ekurgekar
age major, occ. Nil
Abhiyan Pramukh
Bhrastachar nirmulan Abhiyan
Sangharsh Nagar, Behind Raj Restaurant
Nanded Road, Somnathpur,
Udgir, Tq. Udgir, Dist. Latur.

.. RESPONDENTS

Mr. S.B. Gastgar, advocate for petitioner.
Mr. S.B. Pulkundwar, AGP for the State.
Mr. G.D. Kale, advocate for respondent no. 3.

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**CORAM : R.M. BORDE &
A.I.S. CHEEMA, JJ.
DATE : 12th JANUARY, 2016.**

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Heard.
2. Rule. Rule made returnable forthwith. With the consent of the parties, petition is taken up for final disposal at admission stage.

3. Petitioner claims to be belonging to Mahadev Koli Scheduled tribe and has been appointed as against the reserved vacancy as Assistant Teacher in Dnyaneshwar Vidyalaya, Latur. Tribe certificate issued in favour of petitioner was referred for verification to the Scrutiny Committee, Aurangabad, and, on consideration of the evidence placed on record by the petitioner as well as on receipt of Vigilance Cell report, the Scrutiny Committee proceeded to direct validation of the caste certificate issued in favour of petitioner.

4. Respondent no. 3 who claims to be the representative of one Bhrastachar Nirmulan Abhiyan, has presented a complaint on 05.09.2009 making allegations in respect of securing fabricated validation certificate against six individuals. On receipt of the complaint, the Scrutiny Committee proceeded to issue notice to petitioner calling upon his explanation and asking him to show cause as to why the proceeding shall not be re-opened. Notice has been issued by the Scrutiny Committee on 17.02.2012.

5. Petitioner contends that no allegations of fraud or mis-representation allegedly committed by petitioner while securing validation certificate are made in the application tendered by respondent to the Committee. In the absence of specific allegations in respect of fraud or mis-representation, it is not open for the Scrutiny Committee to re-open the matter and conduct fresh investigation.

6. On perusal of the complaint lodged by respondent no. 3, it appears that there are bald allegations made against six to seven individuals who are in receipt of validation certificate. So far as petitioner is concerned, there is absolutely no allegations contained in the complaint in respect of alleged commission of fraud or mis-representation by him. The complaint tendered by respondent appears to have been presented with oblique motive and the committee ought not to have taken cognizance of such complaint.

7. For the reasons recorded above, writ petition deserves to be allowed and the same is accordingly allowed. Notice issued by the Scrutiny Committee on 15/17.2.2012 annexed at Exh. D to the petition is quashed and set aside. Rule is accordingly made absolute. No costs.

(A.I.S. CHEEMA)
JUDGE

(R. M. BORDE)
JUDGE

dyb