

2. Rule. Rule made returnable forthwith and the petition is heard for final disposal by the consent of learned counsel for the respective parties.

3. The petitioner is objecting to the order passed by Respondent No.2- Scrutiny Committee directing invalidation of caste certificate issued to the petitioner of her belonging to 'Mahar' Scheduled Caste. The Committee had directed invalidation of caste certificate issued to the petitioner by an order dated 03.02.2014. The petitioner contends that she received the vigilance cell report only on 26.12.2013, on the date prescribed for appearance of the petitioner before the committee, and thereafter no date was prescribed in the matter. The committee proceeded to pronounce the judgment on 03.02.2014 without extending an opportunity to the petitioner to substantiate her claim.

4. Rule 17(11)(i) 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, provides that in such of those cases which are referred to vigilance cell, upon considering the report of Vigilance Cell, if the

Scrutiny Committee is not satisfied about the claim of the applicant, it shall call upon the applicant to prove his/her caste claim by discharging his/her burden as contemplated under section 8 of the Act, 2000 by issuing a notice in Form-25 coupled with copy of report of Vigilance Inquiry. Sub Rule 11(ii) of Rule 17 provides that after issuance of notice, if applicant requests, by way of written application, for copies of the vigilance inquiry report or any other document or prays for adjournment, reasonable time for final hearing or for submitting written submission it may be granted.

5. In the instant matter though the original record produced by the Scrutiny Committee contains the office copies of notice in Form No. 25 and also records particulars in respect of prescription of the date of hearing, there is nothing on record to indicate that the petitioner has actually received those notices and the copy of the vigilance cell report. The contentions raised by the petitioner that she received the vigilance cell report only on 26.12.2013 and thereafter no date was prescribed in the matter and the Scrutiny Committee proceeded to pronounce the result appears to be correct. The Roznama of the proceedings does not

indicate prescription of any dates such as 15.11.2013 or 17.09.2013. Record of the Scrutiny Committee bears the Roznama of 26.12.2013 alone. It does not appear that the procedure as contemplated under Rule 18 of the Rules of 2012 have been adhered to. The contention of the petitioner that only on the date prescribed for hearing of the matter i.e. 26.12.2013, she received the vigilance cell report and thereafter no date was prescribed in the matter either for tendering her explanation to the vigilance cell report or for recording of her evidence appears to be correct. Since the petitioner has not been extended an opportunity to substantiate her claim and tender her explanation in respect of the vigilance cell inquiry report, the final order passed by the Scrutiny Committee is vitiated. Writ petition therefore deserves to be allowed and the same is accordingly allowed.

6. The order impugned in this petition passed by the Scrutiny Committee on 03.02.2014, directing invalidation of the caste certificate issued to the petitioner, is quashed and set aside.

7. The petitioner shall tender her explanation to the report of the vigilance cell enquiry by 12th

August, 2016. The Scrutiny Committee shall thereafter, permit the petitioner to tender evidence for substantiating her claim. The Scrutiny Committee shall, in observance of the procedure prescribed under the Rules, take fresh decision in the matter as expeditiously as possible, preferably within period of four months from today.

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

9. In view of disposal the writ petition, pending civil application does not survive and stand disposed of.

(K. L. WADANE, J.)

(R. M. BORDE, J.)

JPC