

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11412 OF 2015

Kondabai w/o Babu Khandare
age: 60 years, occu: housewife
R/o Bolegaon, Tq. Tuljapur
District: Osmanabad

Petitioner

Versus

- 1 The State of Maharashtra
through: Its Secretary,
Social Welfare Department,
Mantralaya, Mumbai
 - 2 The Scheduled Caste, Other Backward Classes,
Special Backward Category,
Denotified Tribes & Nomadic Tribe
Divisional Caste Certificate Verification Committee
No.2, Latur, Dist. Latur
through: Its Member Secretary
 - 3 The District Collector, Osmanabad
Dist. Osmanabad
 - 4 Sureka W/o Ramling Gaikwad,
Age: 60 years, occu: Housewife
R/o Bolegaon, tq. Toujapur,
Dist.Osmanabad
- Respondents

Mr.Vibhute S.M. advocate for the petitioner
Mr.S.B. Pulkundwar, AGP for Respondents No.1 to 3

CORAM : **R.M. BORDE &**
A. I. S. CHEEMA, JJ.

Dated : 4th JANUARY, 2016.

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule.

3 With the consent of the parties, petition is taken up for final disposal at admission stage.

4 The petitioner is objecting to the order, passed by the Scrutiny Committee on 30.5.2015, directing invalidation of the caste certificate, issued in favour of the petitioner.

5 The petitioner claims to belong to Mang caste, which is included in scheduled caste category (SC). The caste certificate issued in favour of the petitioner has been referred to the Scrutiny committee, for verification and during the earlier round of scrutiny, the caste certificate was held to be valid. The respondent No.4 rendered an objection application to the scrutiny committee objecting to the judgment and order directing validation of the caste certificate, on the ground of fraud and other related grounds. The scrutiny committee took-up the matter for consideration once again in pursuance to the complaint preferred by respondent No.4 and at the conclusion of hearing rendered the decision directing invalidation of the caste certificate.

6 The petitioner is objecting the order, mainly on the ground that, she has not been extended proper opportunity to make her submissions, after reconstitution of the committee. It is pointed out that, the matter was heard by the committee on several occasions before 11.4.2014 and the same was reserved for rendering final decision. However, during the intervening period, the President of the committee Mr. D.M. Muglikar was transferred on promotion and as such, the committee could not render decision in the matter. After reconstitution of committee, the petitioner was directed to appear on 4.8.2015. However, because of certain difficulties, the petitioner deputed her son to represent her and requested the committee for grant of one adjournment. However, the committee refused to grant adjournment and proceeded to record the Judgment.

7 It thus appears that, after reconstitution of the committee, the petitioner has not been heard. It was reasonable request on the part of the petitioner to grant one adjournment. However, the same was rejected by the reconstituted committee. The reconstituted committee shall have to hear arguments of both the parties and take decision in the matter

8 In view of these facts, we deem it proper to direct the committee to hear the petitioner and render final decision in the

matter. The petitioner insists that, the committee ought to have taken in to account the decision rendered by this Court in the matter of **Preeti Gopalrao Kamble V/s State of Maharashtra** (2013(7) All MR 435) and other decisions governing identical issue. However, it would be open for the petitioner to make appropriate submissions before the committee.

9 The decision impugned in the matter is thus quashed and set aside. The matter stands remitted back to the committee for reconsideration. The petitioner shall cause appearance before the committee on 18.1.2016 and as such, no separate notice requiring her presence before the committee shall be necessary. The committee shall take decision in the matter after extending opportunity of hearing to the petitioner and respondent No.4 as expeditiously as possible and preferably within a period of three months from today.

10 Rule is accordingly made absolute.

11 There shall be no order as to costs.

(A. I. S. CHEEMA, J)

(R.M.BORDE, J)