

Darshan Chandravilas Bhamare	}	Petitioner
versus		
State of Maharashtra and Ors.	}	Respondents

Ms. Sushma Bhende - AGP for respondent nos. 1 to 3.

DATED :- APRIL 1, 2016

1) By this petition under Article 226 of the Constitution of India, the petitioner challenges the order passed by the Caste Certificate Scrutiny Committee invalidating the caste claim of the petitioner.

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caste certificate without bothering to verify the place of residence of petitioner's family. Thus, Mr. Mendadkar's criticism of the order is that the committee proceeded on erroneous foundation that this is a case of migration of the petitioner's family from one district to another.

3) It is to verify this complaint and submission of Mr. Mendadkar that we requested Ms. Bhende AGP to call for the original records from the file of the Scrutiny Committee. The Scrutiny Committee's original records are placed before us and it is admitted now that the petitioner's family resides in Nashik District. There was a mistake, because the village Chikhalohal falls in Malegaon Taluka, District Nashik. Therefore, the caste certificate of which scrutiny and verification has to be carried out has indeed been issued by a competent authority. The committee will now proceed on the footing that the Sub-Divisional Officer, District Nashik has rightly issued the caste certificate dated 2nd March, 2015 and he was competent to issue it.

4) Ms. Bhende, therefore, submits that this court should proceed to quash and set aside the impugned order and direct the committee to carry out a fresh scrutiny and verification, which the committee will carry out and complete within a time schedule stipulated by this court.

5) After hearing both sides and perusing with their assistance the petition and the original records, we are of the view that the committee indeed has committed an error in questioning the competence of the Sub-Divisional Officer, District Nashik to issue a caste certificate in favour of the petitioner. He was the competent authority as is now conceded. The petitioner's family resides within the limits of Nashik District, as is now admitted and therefore, the committee must scrutinise and verify the tribe claim of the petitioner as belonging to Thakur Scheduled Tribe and complete this scrutiny and verification within a period of three months from today. The committee shall not influence itself by its earlier order and findings therein. The committee shall consider the entire record produced by the petitioner and pass a reasoned order. All contentions in relation to the claims and of both sides are kept open.

6) With the aforesaid directions, the writ petition is disposed of.

(G.S.KULKARNI, J.)

(S.C.DHARMADHIKARI, J.)