

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.1065 OF 2015

Pravin Rameshrao Parate

..vs..

**State of Maharashtra, through its Secretary, Department of Power of Energy, Mantralaya,
Mumbai-400032 and ors**

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri N.C. Phadnis, counsel for the petitioner.
Shri A.D. Mohgaonkar, counsel for R-2 and 3.
Shri A.S. Fulzele, Addl.G.P. for R-1.

**CORAM : B.P. DHARMADHIKARI &
KUM. I.K. JAIN, JJ.**

DATED : JULY 12, 2016.

Heard.

Oral leave of learned counsel Shri N.C
Phadnis to join concerned Scrutiny Committee at
Amravati as party No.4 is granted.

Necessary amendment be carried out
forthwith.

Learned Assistant Government Pleader Shri
Nikhil Joshi waives notice for the added respondent.

The petitioner, presently 44 years old, has
joined employment with respondent No.2 and 3 in the
year 1991 as a candidate belonging to Scheduled Tribe.
He has been served with a show cause notice dated
21.2.2015 for not making documents available for

verification of his caste claim. It is not in dispute that such documents need to be forwarded to the competent authority i.e. the Caste Scrutiny Committee functioning under the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance & Verification of) Caste Certificates Act, 2000 (Act No.XXIII of 2001).

This Court has, on 27.2.2015, protected the petitioner by staying show cause notice.

Learned counsel Shri N.C. Phadnis for the petitioner submits that on 16.6.1999 he was called upon to furnish documents and available documents were then supplied on 19.7.1999. The same were also forwarded to the superior authorities for further processing.

Learned counsel Shri A.D. Mohgaonkar appearing for respondent Nos.2 and 3 contends that no reply has been filed to show cause notice. The petitioner was called upon initially on 19.3.1998 to submit documents. Thereafter, on 16.6.1999, he was given a list of 18 documents which he was supposed to supply. He contends that similar list was also annexed to earlier demand letter dated 19.3.1998. According to him, the petitioner has, till date, not supplied

documents, as demanded.

We find that in this situation, at least from the year 1998, till date, that is over a period of 18 years, caste claim of the petitioner could not be sent for verification. The petitioner has supplied caste certificate and documents available with him. Respondent Nos.2 and 3-employer can forward those documents to the competent authority and rest of the exercise needs to be completed by the Committee concerned. The Committee is statutorily empowered to conduct the enquiry and it can summon witnesses as also records to verify caste claim of the petitioner. Neither the petitioner nor respondent Nos.2 and 3 can delay or defeat that exercise in this manner.

We, therefore, direct respondent Nos.2 and 3 to forthwith forward documents submitted by the petitioner to it for verification to the Scrutiny Committee functioning under the Act No.XXIII of 2001. These directions be completed within a period of six weeks from today. The concerned Committee shall, thereafter, proceed further with verification, and after giving the petitioner necessary opportunity, attempt to complete the exercise within next one year.

**Keeping all rival contentions open and
with these directions, we dispose of the petition.
No costs.**

JUDGE

JUDGE

!! BRW !!

...../-