

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1842/2016

(Shrikant Shamdas Dhakate vs. The Scheduled Tribes Caste Certificates Scrutiny Committee)

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

Court's or Judge's order

Mr. Ashwin Deshpande, Advocate for the petitioner

Mr. Amit Balpande, Assistant Govt. Pleader for Respondent

CORAM : **SMT. VASANTI A.NAIK &
MRS.SWAPNA JOSHI, JJ.**

DATED : **22nd June, 2016**

Heard.

By this Writ Petition, the petitioner challenges the order of the Scrutiny Committee, dated 30.11.2015, invalidating the claim of the petitioner as belonging to "Halba" Scheduled Tribe.

Inter alia, the impugned order is challenged by the petitioner on the ground that the copy of the vigilance report was not served on the petitioner, before the impugned order was passed. It is submitted that it was necessary for the Scrutiny Committee to have served a copy of the vigilance report on the petitioner and called for his say, before taking any adverse decision against the petitioner, in the matter of his caste claim.

Shri Amit Balpande, the learned Assistant Government Pleader states on a perusal of the original record and proceedings, that the petitioner

was not served with the copy of the vigilance report and his explanation on the vigilance report was also not sought.

In view of the statement made by the learned Assistant Government Pleader, on the basis of the original record, it would be necessary to partly allow this Writ Petition. The impugned order is liable to be quashed as the petitioner was not granted a fair opportunity by the Scrutiny Committee, before deciding his caste claim. It was necessary for the Scrutiny Committee to have supplied a copy of the vigilance report on the petitioner.

Hence, for the reasons aforesaid, the Writ Petition is partly allowed. The impugned order is quashed and set aside. The matter is remanded to the Scrutiny Committee for a fresh decision, on the caste claim of the petitioner, in accordance with law. The petitioner undertakes to appear before the Scrutiny Committee on 18th July 2016, so that issuance of notice to the petitioner could be dispensed with. The services of the petitioner are protected till his caste claim is decided.

Order accordingly. No costs.

JUDGE

JUDGE