

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

WRIT PETITION NO.2036/2016

Nisha d/o Chandrashekhar Zade
...Versus...

Divisional Caste Certificate Scrutiny Committee No.3, Nagpur Division, New
Administrative Building No.2, Third Floor, Civil Lines, Nagpur and others

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

Court's or Judge's orders

Shri P.R. Agrawal, Advocate for petitioner
Mrs. K.R. Deshpande, AGP for respondent nos.1 and 2

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

DATE : 13.06.2016

By this writ petition, the petitioner seeks a direction to the Scrutiny Committee to decide the caste claim of the petitioner within a time-frame. The petitioner seeks a direction to the respondent – College to protect the education of the petitioner in the Engineering Course, till her caste claim is decided.

Mrs. Deshpande, the learned Assistant Government Pleader appearing for the respondent – Scrutiny Committee states, on instructions, that the caste claim of the petitioner is pending before the Scrutiny Committee. It is stated that the petitioner had applied for validating her claim of belonging to 'Kirad' caste but the original caste is 'Kirat'.

Admittedly, the caste claim of the petitioner is pending before the Scrutiny Committee for verification. As per the

clarificatory circular issued by the State Government, dated 6.3.2013, the tribe 'Kirat' has to be read as 'Kirat/Kirad'. If that be so, it would be necessary for the Scrutiny Committee to decide the caste claim of the petitioner appropriately. In any case since the caste claim of the petitioner is pending before the Scrutiny Committee for adjudication, the same needs to be decided.

Hence, the writ petition is allowed. The respondent – Scrutiny Committee is directed to decide the caste claim of the petitioner, within a period of eighteen months. The petitioner undertakes to remain present before the Scrutiny Committee on 04.07.2016. Since the petitioner is not at fault in not producing the caste validity certificate, the education of the petitioner is protected, till her caste claim is decided.

Order accordingly. No costs.

JUDGE

JUDGE

Wadkar