

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

Writ Petition No.3851 of 2003

Rahul s/o Sitaram Shete. Vs. State of Maharashtra and another.

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

Court's or Judge's orders.

Mr. D.M. Kale, learned AGP for respondents.

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.**

DATE : 7th April, 2016.

Matter is part heard.

Nobody appears for petitioner even today.

There was no appearance on 26.2.2016 and on
23.3.2016.

Petitioner was about 18 years old when he
approached this court assailing the order of Scrutiny
Committee dated 24.4.1996 invalidating his caste
claim as belonging to 'Halba' scheduled tribe.

Scrutiny Committee has specifically found
that old record reveals his caste to be 'Koshti'.
Scrutiny Committee has also applied affinity test.

The matter was presented initially at
Aurangabad where it was registered as W.P. No.
2590/1996. This court on 21.6.1996 issued notice
and thereafter on 8.10.1998 admitted the matter for
final hearing.

It appears that matter was looked into at Aurangabad on 27.8.2003 and it was found that by passage of time claim for admission to any professional course as reserved category student was rendered infructuous as no interim relief was granted. The Division Bench at Aurangabad found that therefore petition survived only to the extent of rejection of caste status. As the matter arose out of adjudication by respondent no. 2 committee at Nagpur, petition was directed to be transferred to Nagpur.

We have perused the order of Scrutiny Committee with assistance of learned AGP. The impugned order is dated 24.4.1996 and the same was passed by Chairman and Director, Tribal Research & Training Institute, Pune, Member and Additional Commissioner, Tribal Development, Nagpur and Member Secretary and Director (Research) at Nagpur.

Question whether procedure as prescribed by Hon'ble Apex Court in its judgment reported in **AIR 1995 SC 94** (Ku. Madhuri Patil Vs. State of Mah.) was followed or not surfaces. However, material on record does not show that any police vigilance inquiry or home inquiry was made. It appears that Scrutiny Committee conducted inquiry by visiting Koshtipura Primary School at Bhiwapur. It

is also not clear whether material so collected was made available to petitioner or his father and he was given time of 15 days to submit his explanation to it.

The State of Maharashtra as enacted Maharashtra Scheduled Castes, Scheduled Tribes, Denotified 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) in the meanwhile and caste certificates are to be verified as per said enactment.

In this situation, as nobody is appearing for petitioner but issue pertains to caste verification, we dispose of writ petition with a direction that impugned order of its own or by itself shall not be used to invalidate caste claim of relatives of petitioner. Their claims for grant of validity if made by such relatives shall be examined on its own merit by concerned Scrutiny Committee and material looked into in the impugned order can also be considered by the Scrutiny Committee independently.

With this clarification and observation, we discharge rule. No costs.

JUDGE

JUDGE