

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

WRIT PETITION NO.5758 OF 2015.

Ravindrasingh Katyarsingh Ingle ..vs.. State of Mah. & ors.

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

Court's or Judge's orders

Mr.P.S.Khubalkar, Advocate for the petitioner.
Mr.A.S.Fulzele, AGP for respondent nos.1 and 2.

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

DATED : APRIL 20, 2016.

Heard Advocate Shri Khubalkar appearing for petitioner and learned Assistant Government Pleader Shri Fulzele for respondent nos.1 and 2. Nobody appears for respondent no.3 though served.

This Court has on 15th of October, 2015 issued notice for final disposal. Advocate Shri Khubalkar points out that very same Scrutiny Committee has on 27th of November, 2009 issued validity certificate to the son of petitioner by name, Surajsing Ravindrasing Ingle. It also issued validity to petitioner's daughter by name, Neha Ravindrasing Ingle on 12th of July, 2011. When petitioner sought validity, in March, 2013 on the basis of these documents, two Members of the Committee validated his caste claim. Chairman, however, did not agree with that opinion and directed Vigilance Cell to conduct fresh enquiry. He submits that this course adopted by Committee is contrary to the provisions of

Rule 18(3) of the Rules called as Maharashtra Scheduled Caste, Scheduled tribes, Vimukta Jatis, Nomadic Tribes, Other Backward Classes and Special Backward Classes (Regulation of Issuance and Verification of) Certificate, Rules, 2012. He states that those Rules have come into force on 1st of September, 2012.

Learned Assistant Government Pleader submits that the petition has been filed on 21st of September, 2015 and after March 2013 the exercise of verification is going on. According to him, therefore that exercise should be allowed to be completed and order of Scrutiny Committee if adverse can be questioned thereafter.

The proceedings in which two Members of Committee accepted the claim as valid and the Chairman of Committee did not agree to their finding are produced before us by petitioner. Date of said proceedings is not clear. Even in original certified copy filed with Writ Petition the date is not clear. Original Records are available with learned Assistant Government pleader. Those records also do not show said date. But earlier date or previous date on which business was transacted by Committee is clear and that previous date is 14th of March, 2013. Obviously, said proceedings are after 14th of March, 2013 and hence Rules mentioned supra are applicable to it.

In the light of provisions of Rules 18(3) it is clear that Committee has to take decision by majority.

However, while communicating such adjudication the decision of majority as also the decision of Member disagreeing has to be communicated to the petitioner

In view of this clear provision it is apparent that Committee has already decided to grant validity certificate to petitioner in March, 2013. As such there is no scope for holding any further proceedings in the matter.

We direct respondent no.2 – Committee to accordingly proceed to issue validity to petitioner by adhering to procedure prescribed in Rule 18(3) supra.

Writ Petition is thus partly allowed and disposed of.

No costs.

JUDGE

JUDGE

Chute.