

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

WRIT PETITION NO.6567/2016

Ku. Seema d/o Purushottam Gonnade (Sau. Seema w/o Ajay Nikhar)

...Versus...

Joint Commissioner & Vice-Chairman, Scheduled Tribe Caste Certificate Scrutiny
Committee, Adiwasi Vikas Bhavan, Giripeth, 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 S.R. Narnaware, Advocate for petitioner
Shri A.S. Fulzele, Addl. G.P. for respondents

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

DATE : 24.11.2016

By this petition, the petitioner seeks a direction against the respondent – Scrutiny Committee to accept the caste claim of the petitioner.

Shri Narnaware, the learned Counsel for the petitioner submits that the petitioner is desirous of contesting the election to the Nagar Parishad and the last date for filing the nomination is 25.11.2016. It is stated that the petitioner tried to submit the application – caste claim of the petitioner to the Scrutiny Committee online, as required by the policy of the Government, but the Scrutiny Committee did not accept the application. It is stated that grave and irreparable loss would be caused to the petitioner, if the petitioner is not permitted to submit the form to the Scrutiny Committee today, both online and offline to be on the safer side.

Shri Fulzele, the learned Additional Government Pleader appearing for the Scrutiny Committee states, on instructions, that the application form – caste claim made by the petitioner was not in accordance with the Rules. It is stated that though the petitioner had made the application, an affidavit in Form – F was not appended to the application. It is stated that since the application was not made in accordance with the Rules, the Scrutiny Committee has rightly refused to accept the application. It is stated that if the petitioner is so desirous, she may submit the form online, today also. It is stated that if the petitioner's form is in order, the Scrutiny Committee would accept the same.

Since the petitioner is desirous of contesting the election to the Nagar Parishad and since the last date for filing the application form is 25.11.2016, in the peculiar facts of the case and in the interest of justice, we permit the petitioner to submit the application to the Scrutiny Committee in the proper form, both online and offline, today. If the petitioner so submits the application, the Scrutiny Committee is directed to accept the same and acknowledge the acceptance thereof.

With the aforesaid observations and directions, we dispose of the writ petition with no order as to costs.

Steno copy of this order is granted.

JUDGE

JUDGE