

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.7545 OF 2016

Laxmibai w/o Gopalrao Deshmukh,  
Age-54 years, Occu-Household,  
R/o Karkholi, Tq.Dharmabad,  
Dist.Nanded

-- PETITIONER

VERSUS

1. The State of Maharashtra,  
through its Secretary,  
Social Welfare Department Mantralaya,  
Mumbai - 32,
2. The Caste Scrutiny Committee No.2,  
Latur, Dist.Latur,
3. The Tahsildar,  
Tahsil Office, Dharmabad,  
Dist.Nanded,
4. Anil Rajeswsar Kawdewar,  
Age-Major, Occu-Agriculturist,  
R/o Karkholi, tq.Dharmabad,  
Dist.Nanded

-- RESPONDENTS

Mr.S.G.Kawade, learned counsel for the petitioner.  
Mr.V.M.Kagne, learned AGP for the State/respondent Nos. 1 to 3.  
Mr.A.A.Kokad h/f Mr.A.A.Mukhedkar, Advocate for respondent No.4.

( CORAM : R.M.BORDE AND  
K.L.WADANE, JJ.)

DATE : 04/04/2017

ORAL JUDGMENT : (Per R.M.Borde, J.)

1. Rule. Rule made returnable forthwith and heard finally by the

consent of the learned counsels for the parties.

2. The petitioner is objecting to the order passed by the Scrutiny Committee, Latur dated 13/05/2016, invaliding the caste claim of the petitioner as a member of 'Hatkar' caste. The petitioner claims to belong to 'Hatkar' caste, which is included in Nomadic Tribe (NT) category. Since the petitioner was elected as a member of a Village Panchayat, the caste certificate issued to her was referred to the Scrutiny Committee for verification. The Scrutiny Committee, after due investigation, noticed that, the caste certificate produced by the petitioner does not appear to have been issued by the competent authority. The Committee, as such proceeded to enquire as to whether the certificate issued to the petitioner is fabricated and as such, directed to verify her caste claim. It appears from the record and the judgment that the petitioner was not present before the Scrutiny Committee and in fact did not submit her contentions to substantiate her claim. Admittedly, the petitioner was absent on 18/02/2016, the date, prescribed by the Scrutiny committee for hearing the matter. The Scrutiny Committee has not considered the claim of the petitioner on its merit. It is desirable that the petitioner shall be offered an opportunity to submit her contentions before the Scrutiny committee. The Scrutiny committee shall also call for the

report of the Vigilance Cell and make endeavour to decide the claim on merits. The petitioner undertakes to appear before the Scrutiny committee on 17/04/2017. The Scrutiny committee shall, after extending an opportunity of hearing to the petitioner, proceed to decide the matter on its own merit and in accordance with law, as expeditiously as possible, and preferably within a period of 6 months from the date of appearance. The order passed by the Scrutiny Committee dated 13/05/2016 stands quashed and set aside.

Rule is made absolute to the extent as specified above. There shall be no order as to costs.

(K.L.WADANE, J.)

(R.M.BORDE, J.)