

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.9944 OF 2017

01 Balaji Vitthalreddy Yelmate,
age: 35 years, Occ: Business,
R/o Row House No.1, Tulshidham,
Nideban Road, Udgir, Taluka
Udgir, District Latur.

02 Sau Seema Balaji Yelmate
@ Seema Omprakash Peddawad,
age: 31 years, Occ:Household &
Social work, R/o Row House No.1,
Tulshidham, Nedeban Road,
Udgir, Taluka Udgir,
District Latur.

Petitioners

Versus

01 The State of Maharashtra,
through Ministry of
Social Justice, Cultural Affairs
& Special Assistance Department,
Mantralaya, Mumbai-32.

02 The District Level Caste
Scrutiny Committee, Latur,
through its Secretary.

03 Sub Divisional Officer,
Udgir, Taluka Udgir, District Latur.

04 The Tahsildar, Udgir,
District Latur.

Respondents

Mr.A.P.Bhandari, advocate for petitioners.
Mr.S.G.Karlekar, A.G.P. For Respondents.

CORAM : R.M.BORDE AND
SMT. VIBHA KANKANWADI, JJ.
DATE : 07th September, 2017.

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

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 Petitioners claim to belong to “Yelam” caste, which is included in Other Backward Class category. Since petitioners were desirous of contesting elections to local body, caste certificates secured by them were forwarded through the Chief Officer, Municipal Council, Udgir, for verification to the Scrutiny Committee. Petitioners did contest the elections, however, were not successful. The Scrutiny Committee, instead of deciding the proposals for verification of caste certificates of petitioners, returned back same to the Chief Officer on the ground that names of the petitioners do not find place in the list of elected candidates.

3 It has been observed by this Court in various judgments that an individual, belonging to reserved class, may need validity certificate for various purposes such as securing benefits under State/Central Government schemes, for contesting elections, for educational purpose or for securing employment. Merely because the petitioners could not get elected in the election, cannot be a reason for returning back the proposals.

4 The Scrutiny Committees, hereinafter, shall take care not return back the proposals for verification of caste certificates or refuse to decide the same merely for the reason that the purpose for which the proposal was forwarded, no more exists. It is the function of the Scrutiny Committee to verify the proposals and render decision in respect of verification of caste/tribe certificates irrespective of the cause put forth by the claimants, whether same subsists or do not subsist. We expect the Scrutiny Committees will take care not to return back the proposals for verification of caste/tribe certificates or reject the claims on the flimsy grounds and shall render decision on merit.

5 For the reasons recorded above, writ petition deserves to be allowed and same is accordingly allowed. The impugned communication issued by the Scrutiny Committee on 18.03.2017 is quashed and set aside so far as it relates to petitioners in the instant petition. The petitioners shall have liberty to receive the documents returned back by the Scrutiny Committee through the Chief Officer, Municipal Council, Udgir and re-tender the same along with necessary proposals directly to the Scrutiny Committee. If the rules and regulations require on-line submission of proposals, then the petitioners shall complete the formality of tendering the proposals on-line. The Scrutiny Committee shall not reject claim of the petitioners on any technical deficiencies. The scrutiny Committee shall take decision on the proposals of the petitioners, if submitted, as expeditiously as possible, preferably within a period of one year from today; and it is accordingly directed.

6 Rule is accordingly made absolute. There shall be no order as to costs.

SMT. VIBHA KANKANWADI
JUDGE

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R.M.BORDE
JUDGE