

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9261 OF 2014

Clariant Chemicals (India), Ltd. ... Petitioner
vs.
State of Maharashtra & Ors. ... Respondents

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Mr. C. K. Bhangoji i/b. R. K. Mendadkar for the Petitioner.
Mrs. K. R. Kulkarni, AGP for the Respondent Nos. 1 & 2.
Mr. Sagar G. Talekar for the Respondent No. 3.

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**CORAM : ANOOP V. MOHTA &
MANISH PITALE, JJ.**

**DATE : 20th November
2017.**

FINAL ORDER:

1. Heard the learned counsel appearing for the parties finally by consent.

2. The petitioner has challenged the impugned order passed by Caste Scrutiny Committee granting certificate of validity to respondent No. 3. The cause of action, as stated arose because of proceeding initiated by the respondent No. 3 under the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (The Restoration Act.) that resulted into passing order against the petitioner based upon the Caste Validity Certificate issued in favour of Respondent No. 3. The petition is pending in this Court since 2014. This Court on 10th February 2017 after hearing parties has

recorded as under:

1. Respondent no.2 has recorded in order dated 10th January 2013 “the validated tribe claim of the blood relatives of the applicant etc. and factors of the said case and the Scrutiny Committee is satisfied about the genuineness of the said case”, this is the main consideration for granting the certificate to respondent no.3. The Government to file supporting affidavit alongwith documents, which were the foundation to make this observation.

2. The learned counsel for the petitioner, after inspecting the records, was called by this Court to confirm the case that there was no such blood relative certificate validated by the committee on record. This aspect, in our view, goes to the root of the matter, specifically when respondent no.3 has admittedly sold the property of the predecessor in title in the year 1965. The application for such caste certificate and the order granting the same therefore, are required to be dealt with after considering the additional affidavit of the concerned respondents. The affidavit to be filed within a period of two weeks. The matter to be listed for final disposal on 24th February 2017 at the end of the supplementary board.

3. The Respondent pursuance to the above order, in reply dated 1st March 2017 has averred as under :

“2. The Hon'ble High Court pleased, to passed on order dated 10/2/2017 with Direction to the Respondent Nos. 1 and 2 i.e. Government and Committee to file an affidavit regarding Para No. 1 in Writ Petition No.9261 of 2014 are as follows:

“Respondent no.2 has recorded in order dated 10th January 2013 “the validated tribe claim of the blood relatives of the applicant etc. and factors of the said case and the Scrutiny Committee is satisfied about the

genuineness of the said case”, this is the main consideration for granting the certificate to respondent no.3. The Government to file supporting affidavit alongwith documents, which were the foundation to make this observation.

Further, I say and submit that there is no such type of document found on record before the Committee. Therefore, the Respondent No. 2 is fairly admitted that the mistake / error / committed by the said Respondent was not intentional or deliberate but due to oversight of concern committee.

3. I respectfully say and submit that the Committee office is an Quasi-Judicial authority. Therefore, the Members of the Committee is Law Binding person. If the Hon'ble High Court, come to the conclusion that the matter be remanded to the Committee. Thereafter the Committee will decide the said case as per the directions given by this Hon'ble Court and on the basis of official record available before the committee. As well as the Respondent No. 2 will take due care about passing by speaking order.

(emphasis added)

4. After considering the above reasons given by the Caste Scrutiny Committee and the reply so filed by the Respondents so referred above, we are of the view that in the interest of justice to give opportunity to all the concerned, it is necessary to re-adjudicate the issue so raised by the Petitioner by following the due procedure of law. Therefore, impugned order dated 10th January 2013 is quashed and set aside and so also quashed and set aside the Certificate of Validity dated 15th January 2013 and further all consequential action arising out of it.

5. Therefore, we direct the Caste Scrutiny Committee to decide the application/prayer so made by Respondent No. 3 afresh and pass the order as early as possible, preferably within three months.

6. In view of the above, parties are at liberty to take out an appropriate application before the concerned Tribunal for the proceeding initiated by Respondent No.3, under the Restoration Act.

7. The Writ Petition is allowed accordingly. No costs.

(MANISH PITALE, J.)

(ANOOP V. MOHTA, J.)