

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

WRIT PETITION NO.3177 OF 2017

Shri Chandrakant Raghunath Umbarje

...Petitioner

vs.

The State of Maharashtra & Ors.

...Respondents

Mr. Karan S. Thorat for the Petitioner.

Ms. N. M. Mehta, AGP for the Respondent Nos.1 to 5.

CORAM : A.S.OKA AND

SMT. VIBHA KANKANWADI, JJ.

DATE : 19th JUNE 2017.

P.C.:

. Not on board. Taken on board.

2. Heard the learned counsel for the Petitioner and the learned AGP for the Respondents.

3. The application was made by the Petitioner under section 4 of the MAHARASHTRA SCHEDULE CASTES, SCHEDULED TRIBES, DE-NOTIFIED TRIBES (VIMUKTA JATIS), NOMADIC TRIBES, OTHER BACKWARD CLASSES AND SPECIAL BACKWARD CATEGORY (REGULATION OF ISSUANCE AND VERIFICATION) OF CASTE CERTIFICATE ACT, 2000 (for short, "the said Act"). The said application was rejected by the Sub Divisional Officer Solapur No.2, Solapur.

4. Being aggrieved by the said decision, an appeal was preferred by the Petitioner before the Scheduled Tribe Scrutiny Committee, Pune. By the impugned order, the said appeal has been dismissed on the ground of bar of limitation.

5. The order impugned cannot be sustained for more than one reason. Firstly, the order is made only by one member of the three member Tribe Scrutiny Committee. Secondly, the Tribe Scrutiny Committee is a quasi judicial Authority and therefore, a speaking order ought to have been passed by the said Committee. Thirdly, an opportunity of being heard is not granted to the Petitioner.

6. The Application made by the Petitioner for grant of caste certificate was rejected. Considering the fact that the rights of the Petitioner would be affected, the Appeal ought not to have been disposed of in such a casual manner.

7. Accordingly, we pass the following order:

- i) The impugned order dated 16th September 2016 passed by Schedule Tribe Certificate Scrutiny Committee, Pune Division, Pune is hereby quashed and set aside;
- ii) Appeal and Application for condonation of delay are remanded back to the Scheduled Caste Scrutiny Committee, Pune;
- iii) The Petitioner shall appear before the said Caste Scrutiny Committee on 14th July 2017 and shall produce an authenticated copy of this judgment and order;
- iv) The Caste Scrutiny Committee shall decide the Application for condonation of delay within a period of 6 weeks from the date fixed for the appearance of the Petitioner;
- v) If the delay is condoned, the Appeal shall be expeditiously decided within 3 months after the delay is

condoned;

vi) We have made no adjudication on the merits of this Appeal and the Application preferred by the Petitioner.

vii) All contentions of the parties on merits are kept open.

viii) Petition is accordingly disposed of.

(SMT. VIBHA KANKANWADI,J)

(A.S.OKA,J.)