

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

CAW NO. 722/2017 IN WRIT PETITION NO. 2033 OF 2012

(Ku. Khushboo d/o Shyamrao Jagane (Now Smt. Khushboo w/o Ajay Barve) vs. The Divisional Caste Certificate Scrutiny Committee No. 1, Nagpur Division & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
ROHIT B. DEO, JJ.
JULY 05, 2017.**

Heard Shri P.D. Meghe, learned counsel for the petitioner, Shri N.H. Joshi, learned AGP for respondent No. 1 and Shri A.Y. Kapgate, learned counsel for respondent No. 2.

2. CAW No. 722 of 2017 is taken out for final disposal of writ petition. After hearing the respective counsel on 27.06.2017, we have passed the following orders:

“Heard Shri P.D. Meghe, learned counsel for the applicant/ petitioner, Shri Joshi, learned A.G.P. for respondent No. 1 and Shri A.Y. Kapgate, learned counsel for respondent No. 2 for some time.

2. *Only question is – Whether doubts expressed by the Scrutiny Committee in relation to birth entry dated 10.06.1946, were communicated before hand to petitioner, and whether petitioner got opportunity to meet the same ?*

3. *It is not in dispute that the vigilance cell has not recorded any objection in relation to that document.*

4. *Records are not available with the learned A.G.P. Records be made available. List the matter for further consideration on 05.07.2017.”*

3. Shri Joshi, learned AGP has accordingly made records of Caste Scrutiny Committee available for perusal of this Court. It is apparent that the statement of Junior Clerk A.R. Vadiwe was recorded on 11.12.2008 behind the back of the petitioner. The petitioner, therefore, did not get an opportunity to find out what he deposed about the records or to cross examine him. In fact, the petitioner was not given any notice of that date and, therefore, was not present.

4. In this situation, the impugned order dated 13.03.2012 at Annexure 'I' with the petition is quashed and set aside. The matter is restored back to the file of Respondent No. 1 – Committee. Respondent No.1 – Committee shall make available examination-in-chief of Shri A.R. Vadiwe, Junior Clerk to the petitioner with necessary documents, thereafter the petitioner shall be permitted to cross examine that person.

5. The Committee shall proceed further as per provisions of Section 8 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance & Verification of) Caste Certificates Act, (Act No. 23 of 2001) and

complete the proceedings in next three months.

6. We direct the petitioner to appear before Respondent No. 1 – Committee on 03.08.2017 and the period of three months shall commence from the said date.

7. Civil Application and writ petition is accordingly allowed and disposed of. No order as to costs.

JUDGE

JUDGE

*GS.