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

WRIT PETITION NO.10214 OF 2018

Vitthal Siddhu Khot	...Petitioner
Versus	
District Caste Verification Committee, Kolhapur and Ors.	...Respondents

Mr.R.P.Walvekar, for the Petitioner.

Mr.A.A.Kumbhakoni, Advocate General a/w Mr.Akshay Shinde and
Ms.A.A.Purav, A.G.P. for the Respondent Nos.1 and 2.

Mr.R.P.Pawar, for the Respondent No.3.

***CORAM : RANJIT MORE &
REVATI MOHITE DERE, JJ.***

DATE : 4th DECEMBER, 2018

P.C. :

1. Heard.

2. The Petitioner claims to be belonging to Hanbar, Other Backward Caste. The Petitioner accordingly obtained caste certificate from the Sub-Divisional Officer, Karveer Division, Kolhapur on 29th August, 2008 and contested the Elections of Gram Panchayat of

Vikaswadi. The Petitioner got elected. The caste certificate of the Petitioner was subsequently sent for scrutiny to the Respondent No.1- District Caste Verification Committee, Kolhapur. The caste certificate of the Petitioner was accordingly scrutinized by the Respondent No.1 – Committee and by the impugned order, the same was invalidated and the caste certificate was forfeited.

3. The Petitioner approached this Court making a grievance that the Respondent No.1 – Committee, having approved the Petitioner's Caste claim could not have refused to validate the caste certificate. We *prima facie* found substance in the argument of the learned counsel for the Petitioner and accordingly directed the learned Advocate General to appear in this matter.

4. Today, the learned Advocate General invited our attention to the provisions of Section 6 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jati), Nomadic Tribes, Other Backward Classes And Special Backward Classes (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (hereinafter

referred to as 'the said Act'). He submitted that the Caste Committee under the said provision, is obliged to verify the caste certificate issued to the concerned person by the Competent Authority. So far as the present case is concerned, the learned Advocate General submitted that the caste certificate of the Petitioner that he belongs to the Hanbar, Other Backward Caste category was issued by the Sub-Divisional Officer, Karveer Division, Kolhapur, on the basis of three documents viz. 1) School Leaving Certificate of the Petitioner 2) School Leaving Certificate of the Petitioner's Father and 3) Birth Registration Certificate of Petitioner's Cousin Uncle Mr.G.D.Khot. Learned Advocate General further submitted that the School Leaving Certificate's of the Petitioner and the Petitioner's father show that they belonged to Maratha Caste and the Birth Registration Certificate of the Petitioner's cousin uncle Mr.G.D.Khot, on which the Petitioner relied shows that he belongs to Hanbar, Other Backward Caste category. According to the learned Advocate General, the Petitioner misrepresented that Mr.G.D.Khot is his cousin uncle. Learned Advocate General submits that in the light of provisions of Section 6 of the said Act, the Committee was justified in refusing to validate the certificate. Learned Advocate General also submitted that the Committee, however, has gone into the

social status of the Petitioner independently and arrived at the conclusion that the Petitioner belongs to the Hanbar, Other Backward Caste category.

5. Conjoint reading of provisions of said Act and the Rules framed thereunder, makes clear that the Committee is not only expected to go into the validity of the documents which were produced before the Competent Authority to obtain the caste certificate but also required to enquire into the social status of the candidate and for that purpose, they are required to call for the vigilance report. In the present case, the Committee, correctly, after following the process has not only gone into the documents relied upon by the Petitioner before the Competent Authority but has also gone into the social status of the Petitioner and called for the vigilance report and relied on the same.

6. In the present case, the difficulty arises in the operative part of the impugned order, which is self contradictory. In clause – 1 of the operative order, the Committee has approved the Petitioner's claim that he belongs to the Hanbar Caste, however, in clause – 2 of the operative order, the caste certificate obtained by the Petitioner from the Competent

Authority, is invalidated and in clause – 3 the same is forfeited. In our opinion, the Committee could not have passed a self contradictory order. The Committee was under obligation to scrutinize the caste claim of the Petitioner. The Committee ought to either upheld the caste claim or refused the same.

7. In the above facts and circumstances, the learned Advocate General submitted that the Committee is ready and willing to withdraw the impugned order dated 7th August, 2018. It is further submitted that the Petitioner also be directed to approach the Competent Authority and obtain a fresh certificate and the said certificate thereafter shall be scrutinized by the Committee and appropriate orders would be passed. Learned Counsel for the Petitioner has no objection to the course suggested by the learned Advocate General.

8. In the light of the above, we dispose of the above Petition, by passing following order:-

- a) The impugned order dated 7th August, 2018, passed by the Respondent No.1 – District Caste Verification Committee,

Kolhapur, stands withdrawn;

- b) The Petitioner is at liberty to apply afresh to the Competent Authority for issuance of the caste certificate;
 - c) The Competent Authority shall consider the Petitioner's claim, within a period of four weeks from the date of filing of the application by the Petitioner;
 - d) In the event, a caste certificate is granted to the Petitioner by the Competent Authority, the same shall be sent to the Respondent No.1 – District Caste Verification Committee, Kolhapur, for scrutiny;
 - e) The Respondent No.1 – District Caste Verification Committee, Kolhapur, thereafter, shall pass appropriate orders, after following due procedure under the said Act and Rules framed thereunder, within six months from the date of reference.
9. The Petition is accordingly disposed of.

REVATI MOHITE DERE, J.

RANJIT MORE, J.