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

WRIT PETITION NO. 2908/2018.

Raju Samundar Gudamewad.

-VERSUS-

Joint Commissioner and Vice Chairman, Scheduled Tribe Caste Certificate.. Gadchiroli and others.

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
AND Z.A. HAQ, JJ.

DATE : JUNE 12, 2018.

Heard Shri S.R. Narnaware, learned
counsel for the petitioner and Shri N.R. Patil, learned
A.G.P. for respondents.

2. Learned A.G.P. has fairly submitted that
looking to the nature of controversy, reply on affidavit
is not necessary. We have perused the records and we
are satisfied that reply on affidavit cannot throw any
light on the controversy.

3. Perusal of impugned order dated
03.04.2018, reveals that in reasoning part reference
has been made to Rule 5[2] of the Maharashtra
Scheduled Tribes (Regulation of Issuance and

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Verification of Certificate) Rules, 2003 which speaks of migration of a candidate seeking caste certificate from jurisdiction of authority to other authority. The said paragraph connotes that if said candidate produces caste certificate issued to his father, grand-father, the authority in whose jurisdiction he is transferred, can after ascertaining the genuineness of the caste certificate, issue certificate to the applicant. Paragraph thereafter mentions that cousin (cousin sister of father), by name Saraswati Madhavrao Gudmewad has been given validity by Aurangabad Committee on 04.07.2008. The petitioner has been given caste certificate because of that validity. The committee therefore, has observed that the caste certificate has not been issued as per law.

4. We are not in a position to decipher the exact meaning of this order. Learned A.G.P. or learned counsel for petitioner, also could not throw much light on exact meaning the committee may have. The branch of family may

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reside in some other part of Maharashtra, and may produce documents in its custody for verification before the competent Scrutiny Committee. This state of affairs in different parts of Maharashtra by itself cannot be decisive in such matters. This is more apparent after area restriction removal in 1976.

5. We therefore, find the impugned order dated 03.04.2018 unsustainable. It is quashed and set aside. We direct respondent no.1 Committee to proceed further to verify the caste claim of petitioner in accordance with the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificates Act, 2000. (Maharashtra Act No. 23 of 2001).

6. Writ Petition is thus, partly allowed and disposed of. No costs.

JUDGE**JUDGE**

Rgd.