

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 1003 OF 2018**

1. Mr. Ganesh Guna Chodankar,
House No. 945, Raulo Bando,
St. Agostinho,
Santa Cruz, Goa

... Petitioner***Versus***

1. State of Goa through
The Chief Secretary
Secretariat, Porvorim-Goa
2. Dy. Collector and Sub-Divisional Magistrate
Tiswadi Taluka
Panaji-Goa.
3. Scrutiny Committee for verification of
Caste Certificate, Through its Chairman,
Secretariat Complex, Porvorim-Goa.
4. Lawrence Marcelline Rodrigues,
Son of Shri. Bossueth Cajetan,
House No. 983, Raulo Bandh,
St. Agostinho, St. Cruz, Goa.
5. Talathi of Calapur (St. Cruz)
Panchayat House,
St. Cruz, Goa
6. Mamlatdar of Tiswadi Taluka
Having Office at Panaji-Goa
7. Police Inspector,
Panaji Police Station.

... Respondents

Mr. Parag S. Rao, Advocate for the Petitioner.

Mr. Sagar Dhargalkar, Additional Government Advocate for Respondents
No. 1, 2 and 6.

Mr. Nitin Sardessai, Senior Advocate with Mr. Gaurang D. Panandiker,
Advocate for Respondent No. 4.

WITH**WRIT PETITION NO. 1102 OF 2018**

Inacio Dominic Pereira,
major of age, married,
r/o House No. 836,
St. Agostinho Marod,
Lane 2, St. Cruz,
Tiswadi – Goa.

... Petitioner

Versus

1. The State of Goa,
through Chief Secretary
Government of Goa,
Secretariat, Porvorim-Goa
Bardez, Goa.
2. Deputy Collector and
Sub-Divisional Magistrate,
Tiswadi Taluka,
Collectorate Building,
Panaji, Goa.
3. Mamlatdar, Tiswadi Taluka,
Collectorate Building,
Government of Goa,
Panaji, Goa.
4. Talathi of Calapur (St. Cruz),
Panchayat House,
St. Cruz, Tiswadi, Goa.
5. The Scrutiny Committee for
Verification of Caste Certificate,
through its Chairman,
with its office at Secretariat,
Porvorim, Goa.

6. Lawrence Marcelino Rodrigues,
s/o late Bossueth C. Rodrigues,
major of age, Indian national,
House No. 983, Raulo Bandh,
St. Agostinho, Santa Cruz,
Tiswadi, Goa.

7. Directorate of Social Welfare,
Government of Goa,
(through its Director),
Panaji, Goa.

... Respondents

Mr. Ryan Da Piedade Menezes alongwith Mr. Nigel J. Fernandes,
Advocate for the Petitioner.

Ms. Susan Linhares, Additional Government Advocate for the
Respondents No. 1, 2, 3, 4 and 7.

Mr. Nitin Sardesai, Senior Advocate with Mr. Gaurang D. Panandiker,
Advocate for the Respondent No. 6.

**Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.**

Date:- 16th October, 2019

Oral Judgment: (Per M. S. Sonak, J.)

Heard learned Counsel for the parties.

2. The challenge in both these Petitions is to the Judgment and Order dated 10.09.2018 by which the Caste Scrutiny Committee has confirmed the Caste Certificate dated 25.05.2017 issued to Mr. Lawrence Marcelino Rodrigues purporting to certify that he belongs to the Christian Render community.

3. It is the case of the Petitioners that the Caste Certificate dated 25.05.2017 certifies that Lawrence Marcelino Rodrigues or his/her parents have not migrated to the State of Goa on or after 19.02.1968.

4. It is further the case of the Petitioners that this Certificate was on the basis of the statement made by said Lawrence in his application that he had schooled at the Government Primary School at Borim from 22.06.1967 to 25.04.1969. To the application made by the said Lawrence, there was a certificate annexed purporting to have been issued by the Headmaster of the School, one Mr. Gaonkar.

5. The Petitioners contend that under the Right to Information Act, they have obtained School Leaving Certificate of the said Lawrence from Bombay school which indicates that Lawrence was studying in the said School from 21.06.1966 till 31.05.1978. On this basis, the Petitioners contend that the Caste Certificate has been obtained by fraud and the Caste Scrutiny Certificate erred in validating the said Caste Certificate vide Judgment and Order dated 10.09.1998. Learned Counsel for the Petitioners also point out that they had produced other documents before the Caste Scrutiny Committee that no Headmaster by name Mr. Gaonkar ever existed in the Goa school and therefore, the Certificate produced by the said Lawrence is a fraudulent certificate.

6. On the other hand, Mr. Sardesai, learned Senior Counsel for the said Lawrence points out that there is absolutely no case of fraud made

out particular, because the Certificate dated 25.05.2017 speaks about not only the said Lawrence but his parents not having migrated in the State of Goa on or after 19.02.1968. Mr. Sardesai points out that since Christian Render community was notified as Other Backward Class (OBC) only in the year 2011, the allegations of fraud are totally misconceived and, in any case, inconsequential.

7. Upon perusal of the Judgment and Order dated 10.09.1998 made by the Caste Scrutiny Committee, we find that even though the aforesaid contentions were raised by the Petitioners and even though several documents obtained by the Petitioners under the Right to Information Act were placed before the Caste Scrutiny Committee, there is not even any reference much less any discussion on the same in the impugned Judgment and Order dated 10.09.1998.

8. Once, any issue is raised by the Petitioners, the minimum that is expected of a quasi-judicial authority is that it considers and deals with such issue. In the present case, the issue has not been dealt with by the Caste Scrutiny Committee. The documents have not at all been dealt by the Committee. On this short ground, the impugned Judgment and Order dated 10.09.1998 made by the Caste Scrutiny Committee is quashed and set aside and is hereby set aside.

9. The matter is remanded to the Caste Scrutiny Committee for fresh adjudication on the issue of validation of the Certificate issued to the said Lawrence.

10. The Caste Scrutiny Committee is directed to dispose of these proceedings on remand as expeditiously as possible and in any case within a period of 2 months from the date of production of authenticated copy of this Judgment and Order.

11. We make it clear that all contentions of all the parties are left open for adjudication and determination by the Caste Scrutiny Committee.

12. The parties to appear before the Caste Scrutiny Committee on 25.10.2019 at 02:30PM and file authenticated copy of this order.

13. Mr. Dhargalkar, learned Additional Government Advocate to also communicate this order to the Caste Scrutiny Committee.

14. Rule is made absolute in the aforesaid terms. There shall be no order as to costs.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

msr.