

Sequeira

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

WRIT PETITION NO. 4292 OF 2014.

Lakhansingh Mahendrasingh Jadhav .. Petitioner
Vs
State of Maharashtra and others .. Respondents

Mr.Jitendra Pathade, for the Petitioner.

Mr.M.M.Pabale - Additional Government Pleader, for Respondent
Nos.1 and 2.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M.JAMDAR, J.***

Date : 17 June, 2019.

P.C. :

1. The Petitioner claims to belong to Rajput Bhamta, a community recognised as a Vimukta Jati under the Government Resolution dated 21 November 1961.

2. The Petitioner applied to the Sub-Divisional Officer, Malegaon for a Caste Certificate as belonging to Rajput Bhamta. The Sub-Divisional Officer, issued a certificate to that effect to the Petitioner on 30 December 2008.

3. The Petitioner, a student, was desirous of prosecuting

studies in the Science course. As per the provisions of 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 Certificate Act, 2000*' the Caste Certificate of the Petitioner was taken up for verification by the Caste Scrutiny Committee. As per Rules of 2003, the Vigilance Cell attached to Scrutiny Committee carried out a field enquiry and produced various documents including a validity Certificate issued to one Mr. Paresh Anandsingh Jadhav, who the Petitioner claims to be his grandfather's brother's grandson. The Scrutiny Committee invalidated the Caste Certificate of the Petitioner by the order dated 15 October 2013. Hence the Petitioner is before us.

4. We have heard the learned counsel for the Petitioner and the learned Additional Government Pleader.

5. It appears that the Petitioner had not given his say to the report of the Vigilance Cell. However the documents as they were produced should have been discussed by the Committee. The validity Certificate issued to Paresh was discarded only on the ground it may be of a close relative, but each case would turn on its facts. Though it may be a general position of law, such a one line reasoning alone cannot brush aside a validity Certificate of a close relative of the candidate. A further inquiry is necessary, which is totally missing.

The Petitioner states that he is now in possession of a certificate of Validity of another close relative.

6. These facts we are of the opinion that the impugned order passed by the Scrutiny Committee is required to be quashed and set aside and the matter needs to be looked into in detail by the Committee. Since the proceedings would be remanded back to the Scrutiny Committee, we give an opportunity to the Petitioner to file say to the report of the Vigilance Cell, and to produce additional documents, if any.

7. The impugned order dated 15 October 2013 passed by Respondent No.2 is quashed and set aside. The proceedings stand restored to the file of the Scrutiny Committee, Nashik. The Petitioner will appear before the Scrutiny Committee on 1 July 2019. The Scrutiny Committee will give time to the Petitioner to file the say and additional documents if any and thereafter pass an order as per law.

8. We make it clear that what we have stated in this order is to emphasize the need for remand of the proceedings and the observations are not to be construed as a reflection on the merits of the Petitioner's case.

N.M.JAMDAR, J.

CHIEF JUSTICE