

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (ST.) NO.11092 OF 2020

AND

CIVIL APPLICATION (CAW) 1329 OF 2020

IN

WRIT PETITION (St.) NO. 11054 OF 2020

Ajay Bhagwan Bothare,

..VS..

The Scheduled Tribe Caste Certificate Scrutiny Committee, through its Member Secretary,
Amravati.

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

Court's or Judge's orders

Shri D. S. Lambat, Counsel for the petitioner.

Shri N. R. Patil, A.G.P for the respondent.

Shri Jasprit Singh, Counsel for the intervenor.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : 04th December, 2020

CIVIL APPLICATION (ST.) NO.11092/2020.

Heard.

2. This is an application for impleading the applicant as party respondent in order to enable the applicant to oppose the caste claim of the petitioner.

3. The applicant, "Tribal Officers Forum", is a society formed with an object of protecting the interest of genuine Scheduled Tribe persons across the country. According to the learned counsel for the petitioner,

though the society was not party to the proceedings before the Scrutiny Committee, the object of the society being to protect the interest of genuine Scheduled Tribe persons, the society must be permitted to take part in this proceeding to prove its case that the petitioner is a fake scheduled tribe candidate.

4. Shri N. R. Patil, learned A.G.P. submits that an appropriate order in the matter be passed while this application is strongly opposed by the learned counsel for the petitioner.

5. In our opinion, the strong disagreement of learned counsel for the petitioner with submissions of learned counsel for the applicant is not without any value rather is something we would accept. We do not understand as to how in an exclusively personal matter; undeniably caste claim is an exclusively personal claim, any outsider can interfere and prevent a party from proving the personal claim in accordance with law. In such cases, the personal claim is required to be proved in accordance with law before the Authority appointed for the purpose under the relevant statute and the question that is to be decided would only be whether such personal claim is proved or not.

6. Such being the nature of the proceeding, if any outsiders are to be permitted to barge in and start opposing the claims, the proceeding would be reduced to an adversarial proceeding as if, some private dispute is going on between the parties. These are not adversarial

proceedings in the strict sense of the term and the proceedings are held only for verifying as to whether or not the claim as regards a particular social status made by candidate or applicant is correct or not. Besides, a caste or tribe, as a concept of social stratification, is not a preserve or fiefdom of few who would stoutly fight to keep their field inviolate and free from what they perceive as intrusion, though the law does not see the things that way. In such matters, it is only the perception and perspective of law and no one else's that matters. So, the applicants would not and cannot have any say in the matter. The applicant was also not a party before the committee. Therefore, we are of the considered view that such intervention application cannot be allowed and it is rejected.

7. The application stands dismissed.

CRIMINAL APPLICATION (CAW) 1329/2020

1. For the reason stated in the application, the application is allowed.

2. Amendment be carried out on or before next date.

3. Copy of the amended petition be supplied to the learned A.G.P. with liberty to file reply to the same.

Application is disposed of.

WRIT PETITION (St.) NO. 11054 OF 2020

1. Heard.

2. Learned counsel for the petitioner is yet to carry out the amendments which have been allowed just now. Even if, we consider the amendments as having been carried out and visualizing so, we start reading these amendments, we do not think it would make any difference. At this juncture, we must say, this matter is now already before the Apex Court as informed today by the learned A.G.P. and is likely to be heard by the Apex Court on 07th December, 2020. Then, seat confirmation, as per the admission programme, would be done after evening of 10.12.2020. Therefore, we would direct that in order to reach the stage of seat allocation confirmation as per serial No.4, the application of the petitioner be considered as the application filed along with appropriate documents and accordingly, name of the petitioner be provisionally considered for inclusion into the final merit list, but purely on *inter se* merit, by newly added respondent No.2, subject to the final result of this petition.

Stand over to **08.12.2020**.

JUDGE

JUDGE