

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

987 Writ Petition No.11574 Of 2019

Panchakshari Shankarrao Mathpati

.. Petitioner

Versus

The State of Maharashtra and Others

.. Respondents

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Mr Mahesh C. Swami, Advocate for the Petitioner

Mrs M.A. Deshpande, Addl. G.P. for respondent nos.1 to 3

Mr S.V. Adwant, Advocate for respondent nos.4 and 5

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CORAM : S. V. GANGAPURWALA AND  
R.N. LADDHA, JJ.

DATE : 14-10-2021

**PER COURT :**

1. The learned Counsel for the petitioner submits that the petitioner has been issued with the validity certificate of 'Malajangam Scheduled Caste by District Caste Certificate Scrutiny Committee, Nanded. The learned Counsel further submits that the petitioner had approached this Court by filing Writ Petition bearing No.1336 of 2015 against the invalidation of his caste claim by the Divisional Caste Certificate Verification Committee, Latur. This Court partly allowed the writ petition, remitted the matter to the Committee for reconsideration and directed the Committee to decide the proceedings afresh and also restrained the employer from taking coercive action till the validation proceedings are decided. It is

submitted that subsequently Divisional Caste Certificate Verification Committee, Latur was disbanded and the said Committee forwarded the proposal to the District Caste Certificate Scrutiny Committee, Nanded for decision. Subsequently, District Caste Certificate Scrutiny Committee, Nanded allowed the proceedings and issued validity certificate in favour of the petitioner. The same is not accepted by the employer.

2. Mr Adwant, learned Advocate for respondent nos.4 and 5 submits that in fact this Court under its order dated 30-11-2017 in Writ Petition bearing No.1336 of 2015 had directed the Divisional Caste Certificate Verification Committee, Latur to decide the proceedings, instead the proceedings are decided by District Caste Certificate Scrutiny Committee, Nanded. The same is not in consonance with the orders passed by this Court. The order passed by the District Caste Certificate Scrutiny Committee, Nanded is *coram non judice*.

3. It appears that initially Divisional Caste Certificate Verification Committee, Latur had invalidated the caste claim of the petitioner. The petitioner filed Writ Petition bearing No.1336 of 2015 before this Court. This Court under Judgment and order dated 30-11-2017

partly allowed the writ petition by setting aside the judgment of the Scrutiny Committee and remitted the matter to the Committee for decision afresh as the petitioner had to produce some more documents.

4. The said order was passed on 30-11-2017. It appears that as per the Government Resolution dated 02-03-2015 the jurisdiction vest with the District Caste Certificate Scrutiny Committee, Nanded. The Divisional Caste Certificate Verification Committee, Latur forwarded the said proposal to the District Caste Certificate Scrutiny Committee, Nanded and thereafter Scrutiny Committee, Nanded decided the matter. In view of the Government Resolution dated 02-03-2015, Divisional Caste Certificate Verification Committee, Latur would not have had the jurisdiction to decide the proposal of the petitioner on merits and the jurisdiction would vest with the District Caste Certificate Scrutiny Committee, Nanded, which has validated the caste claim of the petitioner.

5. In light of the above, it cannot be said that the orders passed by the District Caste Certificate Scrutiny Committee, Nanded is without jurisdiction.

6. In view of the above, respondent nos.4 and 5 shall accept the validity certificate issued by the District Caste Certificate Scrutiny Committee, Nanded to the petitioner dated on 16-02-2018 and not to insist for the validity certificate from the Divisional Caste Certificate Verification Committee, Latur.

7. The benefits pursuant to the submission of the validity certificate be accorded to the petitioner as per the rules.

8. Writ Petition is disposed of. No costs.

( R. N. LADDHA )  
JUDGE

( S. V. GANGAPURWALA )  
JUDGE

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