

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6985 OF 2021

Yogita Devidas Nilawad,
Age: 21 years, Occ: Education,
R/o, Mahavir Chouk, Cidco ND2
Nanded Tq. & Dist. Nanded ..PETITIONER

VERSUS

1. District Caste Certificate
Scrutiny Committee, Nanded,
Dist. Nanded
Through its Member Secretary.

2. Gramin College of Engineering (GRACE)
Vishnupuri, Nanded,
Through its Principal.

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Mr. Sagar S. Phatale, Advocate for the Petitioner.
Mr. S. K. Tambe, AGP for Respondents-State.

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**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 01st OCTOBER, 2021.

PER COURT:-

1. Rule. Rule made returnable forthwith.
With the consent of parties, matter is taken up for
final hearing at the stage of admission.

2. The tribe claim of the petitioner as
belonging to 'Zinga Bhoi', Nomadic Tribe (B) is
rejected.

3. The learned counsel submits that, the
document in the school record of the petitioner

depicts tribe of the petitioner as 'Zinga Bhoi', Nomadic Tribe (B). However, the tribe column in the father's school record is blank. If the Committee was not satisfied with regard to the documents on record, then ought to have conducted vigilance in view of Rule 17 of the Maharashtra Scheduled Castes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of issuance and verification of) Caste Certificate Rules, 2012 (hereinafter referred to as 'Rules, 2012'). According to the learned counsel, the Committee has failed to carry out the said exercise.

4. We have also heard the learned A.G.P.

5. It appears that, in view of the insufficiency of the documentary evidence, the Committee has invalidated the tribe claim. The vigilance enquiry consisting of home enquiry and local enquiry is not conducted. In such an eventuality, Rule 17 of the Rules, 2012 would be relevant.

6. In light of the above, impugned order is quashed and set aside.

7. The parties are relegated before the Committee. The petitioner shall appear before the Committee on 12.10.2021. The Committee shall conduct the vigilance including home enquiry and

shall take decision afresh on its own merits, in accordance with law and policy, expeditiously and preferably within a period of three (03) months from the date of appearance of the petitioner.

8. If the petitioner has paid full fees, the College shall not withhold the mark-sheet of the petitioner only on the ground that validation proceeding is pending.

9. The respondents may take further course of action depending upon the judgment that would be delivered by the Committee in the validation proceeding.

10. Rule accordingly made absolute in above terms.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE