

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

WRIT PETITION NO.5506 OF 2020

**LATA SAKHARAM DANKOTWAD
VERSUS
DISTRICT CASTE CERTIFICATE SCRUTINY COMMITTEE
HINGOLI THROUGH ITS MEMBER SECRETARY AND
ANOTHER**

...
Advocate for the Petitioner : Shri S.B. Munde h/f Shri S.S.
Gangakhedkar

AGP for Respondents 1 and 2 : Shri P.S. Patil

...
**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 21st October, 2021

Per Court :-

1. The petitioner has put forth prayer clauses B and C
as under :-

- “B) *Be pleased to issue writ of certiorari or order in the like nature thereby quash and set aside impugned order passed by Respondent No.1- District Caste Certificate Scrutiny Committee, Hingoli dt. 08.06.2020.*
- C) *Be pleased to hold and declare that petitioner belongs to ‘OD 2’ as recognized as Nomadic Tribe (B), and further direct the Respondent No.1- Scrutiny Committee to forthwith issue certificate of validity in favour of petitioner in prescribed form.”*

2. We have considered the submissions of the learned counsel for the respective sides. In view of the order that we intend to pass, we are not adverting to the merits of the claim of

the petitioner of belonging to Nomadic Tribe (B) category. Suffice it to say that we are restricting this order to the controversy as regards whether, the petitioner had a reasonable opportunity to address the Scrutiny Committee.

3. There is no dispute that the final hearing before the Scrutiny Committee had occurred on 09.01.2018. Thereafter, as the coram of the Scrutiny Committee changed in view of the retirement of a member, a text message was sent via SMS to the petitioner, who claims that such message was received on 12.12.2019 at 12:30 PM, advising her to report before the Scrutiny Committee at 11:00 AM on 13.12.2019 for final hearing.

4. The controversy is that the impugned order dated 08.06.2020 rejecting the claim of the petitioner indicates that the petitioner was present before the Scrutiny Committee, she participated in the hearing and she stated that she has no further evidence to be produced. However, an application on the same day was entered in the Inward-Outward register of the Scrutiny Committee, which has recorded such entry, though specific time has not been mentioned.

5. It is the contention of the learned advocate for the

Scrutiny Committee that the petitioner has entered the said application by way of an afterthought when she had actually appeared before the Scrutiny Committee and stated that no further documents are to be produced. The learned advocate for the petitioner submits that she was present before the Scrutiny Committee, she had asked for time and she, therefore, entered an application in the inward register.

6. This case seems to have the facet of “word against word”. All said and done, the petitioner received a text message on 12.12.2019 to appear before the Scrutiny Committee on 13.12.2019. Being a villager and without assistance of any advocate or relative, this cannot be termed as being reasonable time granted to the petitioner for preparing and more so, when a hearing was scheduled after almost 23 months. We are giving the benefit of doubt to the petitioner.

7. In view of the above, this Writ Petition is partly allowed only on the ground of non observance of the principles of natural justice. The impugned order dated 08.06.2020 is quashed and set aside. However, we are issuing the following directions:-

(a) The petitioner shall appear before respondent No.1/

Scrutiny Committee on 15.11.2021 at 12:00 noon.

(b) The written notes of submissions shall be prepared and additional documents, if any, shall be annexed thereto so as to be filed on the same day. In addition to this, oral submissions would be permitted.

(c) Unless the Scrutiny Committee desires to hold further hearing, the proceedings shall be closed on the said date and the matter would be reserved for delivering an order on 15.12.2021 at 03:00 PM. Copy of the order shall be kept ready.

(d) The petitioner shall remain present before the Scrutiny Committee on 15.12.2021 at 03:00 PM and receive a copy of the order that would be delivered by the Scrutiny Committee.

(e) If the petitioner is aggrieved by the said order, she shall be at liberty to avail of a remedy as is permissible in law.

8. The record and proceedings shall be returned forthwith to respondent No.1/ Scrutiny Committee.

kps

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)