

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7025 OF 2019

SHIVRAJ RANGNATH RAVALE .. PETITIONER
VERSUS
THE STATE OF MAHARASHTRA
AND OTHERS .. RESPONDENTS

...
Advocate for Petitioner : Mr. Sudhir K. Chavan
AGP for Respondents : Mrs. M. A. Deshpande
....

[CORAM : SUNIL P. DESHMUKH AND
ABHAY AHUJA, JJ .]

DATE : 15th February, 2021

ORDER

1. The petitioner claims to be from other backward class *Wani* community and had accordingly been in possession of certificate issued to that effect by the competent authority which had been subjected to verification before scrutiny committee and under order dated 25-09-2012, petitioner's certificate has been held to be invalid.

2. Learned counsel for petitioner has pointed out that there had been no proper vigilance cell inquiry in present matter, as would be incumbent having regard to Rule 17 sub-rule 7 of Maharashtra Scheduled Casts, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012.

3. Perusal of impugned order dated 25.09.2012 shows that no vigilance inquiry has taken place as would be required under the rules. Sub Rule 7 of Rule 17 of Rules of 2012, reads thus :-

17 (7) :

" If the Scrutiny Committee, upon appreciating the statement of applicant or claimant submitted in the form of Affidavit filed in consonance with Order 18 Rule 4 of the Code of Civil Procedure, 1908, as well as other evidence and documents furnished along with any application or proposal, is of the opinion that the documents do not satisfy or conclusively prove the Scheduled Caste or Scheduled Caste converts to Buddhism or De-notified Tribes (Vimukta Jatis) or Nomadic Tribes or Other Backward Classes or Special Backward Category claim, the Scrutiny Committee by mentioning the same in the Roznama, shall refer such case to the Vigilance Cell for carrying out suitable inquiry, as it deemed fit, by Scrutiny Committee.

Provided that, findings recorded by the Vigilance Cell shall not be binding on Scrutiny Committee, as the vigilance inquiry is meant for internal assistance to the Scrutiny Committee. The Scrutiny Committee shall record its reasons for discarding the report of Vigilance Cell. "

4. As impugned order passed by Scrutiny Committee is rendered deficient for want of following stipulated procedure it would be expedient that the matter is remitted to the scrutiny committee for compliance of the rules and the procedure.

5. In the circumstances, the impugned order is set-aside. The claim for validity to the certificate issued to the petitioner by the competent authority is remanded to the committee for reconsideration afresh in accordance with law.

6. All points are kept open for the parties.

7. Writ Petition is disposed of.

[ABHAY AHUJA]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

YSK/