

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7560 OF 2019

Narayan Pundalik Parchandrao

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. C.K. Bhangoji for the Petitioner.

Ms. M.S. Bane, AGP, for the Respondent Nos. 1 to 3 – State.

Mr. Vaibhav R. Gargade for Respondent No. 4.

**CORAM : PRASANNA B. VARALE &
M.S. KARNIK, JJ.**

DATE : OCTOBER 11, 2021.

PER COURT :

1. Heard learned Counsel appearing for the respective parties.
2. Petitioner is challenging the order passed by the Respondent No. 2 Scrutiny Committee. Petitioner had approached the Committee for seeking verification of his claim and issuance of validity certificate that the Petitioner is belonging to Koli Mahadeo Scheduled Tribe and in the second round of proceeding the claim of Petitioner was rejected. In the first round, the caste certificate issued to the Petitioner on which reliance was placed was not in the proper format as such, the Petitioner was permitted to submit his claim afresh keeping the contentions open and by obtaining the certificate in the proper format. Accordingly, the Petitioner submitted his claim before the committee. Petitioner submitted certain documents

in support of his claim and some of the documents were of pre-independence era. Petitioner placed heavy reliance on the document i.e. certificate issued by the school authorities to the father of Petitioner referring to the birth date and his social status. The document submitted to the committee in favour of the Petitioner's father Pundalik Parchandrao referring to his date of birth as 13.04.1932 and his social status of Hindu Koli Mahadev.

3. The claim of the Petitioner was objected by Respondent No. 4 and Respondent No. 4 submitted some contra material. It was the submission of Respondent No. 4 that there were certain interpolation in the documents which are issued in favour of father of the Petitioner and one of the document was a certificate showing his birth date as 10.03.1933 and another document was in relation to relative Pralhad showing his birth date as 26.03.1941.

4. The committee while referring to the documents was pleased to observe that these documents of 1932 and 1941 wherein certain words were added and as such, the Petitioner failed to establish his claim. Interestingly enough, the Petitioner has submitted an application to the committee to provide copies of these documents which were submitted by Respondent No. 4 and the Scrutiny Committee in its communication dated 19.04.2018, the copy of the same is placed on record at Exhibit 'P' at Page 136 flatly denied to provide these documents to the Petitioner on the ground that the Respondent No. 4 has raised objection for providing these documents submitting that these documents are private and

confidential.

5. Considering the above referred facts, we are of the opinion that the approach of the committee at the instance of an objector and without providing these documents to the Petitioner and without providing an opportunity to the Petitioner to submit his response to the said documents is clearly unsustainable and untenable.

6. It may not be out of place to state that the Division Bench of this Court in its order dated August 23, 2021 also referred to these aspects of the matter. In the reply filed by the Respondent No. 2 – Committee dated 04th October, 2021, we are unable to find any justifiable reason for not providing an opportunity to the Petitioner by submitting the documents or permitting the Petitioner to submit his say on the documents.

7. Accordingly, Writ Petition is partly allowed. The order of the scrutiny committee impugned in the Petition is quashed and set aside. The matter is remitted back to the committee for fresh decision.

8. Needless to state that, if the parties pray for presence before the committee or request the committee for submitting any documents, such request / application be considered by the committee on its own merit.

9. Learned Counsel for the Petitioner as well as for Respondent No. 4 submitted that the Petitioner and Respondent No. 4 would appear before the committee on 16th November, 2021 at 11.00 am.

10. The committee to decide the claim of the Petitioner as expeditiously as possible and not later than six months from the date of receipt of this order.
11. All concerned to act upon an authenticated copy of this order.

(M.S. KARNIK, J.)

(PRASANNA B. VARALE, J.)