

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 3653 OF 2021**

Priyanka Mohan Pande ... Petitioner

V/s.

District Caste Scrutiny Scrutiny ... Respondent
Committee, Pune

Mr. Sugandh Deshmukh for the Petitioner.

Ms. A.A. Purav- AGP for the respondents/State.

**CORAM : SMT. SADHANA S. JADHAV &
SURENDRA P. TAVADE, JJ.**

DATED : AUGUST 3, 2021.

PC. :

. Heard the respective counsel.

2. The Petitioner herein is working as a Superintendent in Government Secondary Girls Ashram School, Dhanrat, Taluka-Navapur, District-Nandurbar. It is the case of the petitioner that she belongs to Bairagi caste which is categorized as a Nomadic Tribe in the State of Maharashtra. The petitioner was selected from the reserved category and is given appointment in the category of Nomadic Tribe-B category. The petitioner has filed her caste claim before the Caste Certificate Scrutiny Committee at Pune. The caste claim is filed on 27th July 2020. Show cause notice was issued to the petitioner on 7th April 2021 calling

upon her to produce the certificate before the Caste Certificate Scrutiny Committee. She was directed to remain present before the committee on 23rd April 2021. However, the Government of Maharashtra had declared lock down due to pandemic on 15th April 2021 and therefore she was not able to appear before the Committee. She was working as a Superintendent at Ashram School for Girls and could not have sought leave until there was some reliever for that post. By a letter dated 1st June 2021 she was directed to remain present before the Committee on 23rd June 2021. Since there was no reliever, the petitioner could not appear personally and had deputed her husband along with her caste certificate. The Caste Certificate Scrutiny Committee had raised certain objections in the said certificate and therefore the committee had called upon the petitioner to furnish supporting document to establish her caste claim and since she could not remain present personally her caste claim is invalidated by the Committee by order dated 23rd June 2021.

3. It is an admitted position that the petitioner had no opportunity to appear before the Committee, furnish the supporting document and no personal hearing could be given to her which is necessary in the interest of justice and as per the rules of the Caste Certificate Scrutiny Committee.

4. It is in these circumstances that the order dated 23rd June 2021 deserves to be quashed and set aside. The matter needs to be remanded back to the Committee for reconsideration of her caste claim on the basis of the certificate issued by the Sub Divisional Officer,

Khed.

5. The Committee shall consider the caste claim of petitioner on its own merits and shall give opportunity to the petitioner to remain present before the Committee and a personal hearing to be given to her. The caste claim of the petitioner be decided within six months and not later than by 30th January 2022.

6. Needless to say that in the meanwhile, the services of the petitioner are protected and no coercive steps shall be taken against the petitioner till the caste claim is decided.

7. Rule is made absolute in above terms. The Petition is disposed of.

(SURENDRA P. TAVADE, J)

(SMT. SADHANA S. JADHAV, J)