

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No. 101/2021

Shri Somesh Nagnath Kshirsagar
..VS..

District Caste Certificate Scrutiny Committee, Buldhana and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri U.P Dable, Advocate for the petitioner
Mrs. K.S. Joshi, I/c. GP for respondent no. 1/State

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : 07/01/2021

Heard Shri Dable, learned Counsel for the
petitioner.

2. Shri Dable, learned Counsel for the petitioner challenges the order passed by the District Caste Scrutiny Committee, Buldhana dated 06.11.2020, rejecting the challenge to the Caste Validity Certificate issued in favour of respondent no. 2.

3. The impugned order categorically states that in earlier point of time, objections were raised to the validity of the Caste Certificate issued in favour of respondent no. 2 on similar ground and on both these

occasions, the Committee has found that the Certificate has been validly issued and, there was no fraud in the issuance of such Certificate. The Committee has, therefore, found that there is no power of review with the Committee once that finding has been rendered. That being the position in law, Section 7 of the Maharashtra Scheduled Caste, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (for short “the Act of 2000” hereinafter) has no role to play in the matter.

4. The petitioner had filed a complaint on 24/8/2020 before the District Caste Certificate Scrutiny Committee/respondent no.1 against the respondent nos. 2 and 3 contending that the Validity Certificate issued to them of belonging to the Scheduled Caste – Kaikadi, was obtained by supplying false information that respondent nos. 2 and 3 were the permanent residents of Chikhli, District - Buldhana, whereas they were the permanent residents of Shelgaon, Tah. Indapur, District - Pune, where

they have their ancestral immovable property. The Scheduled Caste - Kaikadi is found only in the areas of Akola, Amravati, Bhandara, Buldhana, Nagpur, Wardha, Yavatmal and Chandrapur (except Rajura Tahsil) of Vidarbha Region of the State of Maharashtra and respondent nos. 2 and 3 not being permanent residents of Chikhli, Tahsil Chikhli, District - Buldhana were not belonging to the Scheduled Caste - Kaikadi. The complaint further contended that by misrepresenting that respondent nos. 2 and 3 were the residents of Chikhli, Tahsil Chikhli, District – Buldhana, they had obtained the Caste Certificate of belonging to Scheduled Caste - Kaikadi on 18/12/2008, which was sent for verification to the Caste Scrutiny Committee, Akola through Mahatma Jyotiba Fule Madhyamik Vidyalaya, Shelgaon, Tah. Indapur, District - Pune, in which school, it was falsely contended that the respondent no.2, was employed as a clerk.

5. The Scrutiny Committee/respondent no.1 by its order dated 6/11/2020 rejected the complaint filed by the petitioner.

6. The impugned order categorically states that earlier in point of time, objections were raised to the validity of the Caste Certificate issued in favour of the respondent no.2, on similar grounds by one Vilas Deoraj Bhange, in respect of which Writ Petition No.8707/2017 was filed in which vide order dated 21/9/2017, the Scrutiny Committee was directed to verify the allegation as to whether the validity certificate of the respondent no.2 was obtained on the basis of false documents and information. The allegations made in the earlier complaint by Vilas Deoraj Bhange were to the effect that the respondent no.2, was not a resident of village Chikhli, District - Buldhana and was also not employed with Mahatma Jyotiba Fule Secondary School, Shelgaon, through whom the Caste Certificate of the respondent no.2 was sent for verification to the Committee. The Committee, in exercise of the powers, under Section 7 (1) of the Act of 2000, had considered the complaint and the allegations made thereunder by Vilas Deoraj Bhange and had while rejecting the allegations, rendered a finding that the Validity Certificate was correctly issued to the respondent no.2.

7. In the instant matter also similar allegations, have been raised by the present petitioner, as is apparent, from the contents of his complaint dated 24/8/2020, the gist of which has been stated above, which allegations were already raised earlier by Vilas Deoraj Bhange, which were duly considered and rejected by the Caste Scrutiny Committee, as is apparent from a perusal of the order of the Committee dated 6/11/2020 (13/10/2020) as placed on record. The Committee, therefore, opined that once allegations to the above effect were made, considered and rejected, under Section 7 (2) of the Act of 2000, that would attain finality. Similar complaint by any other person would, therefore, not be entitled to be entertained. No fault can be found with the decision of the Committee as the allegations now raised, in the present petition, about the Validity Certificate granted to the respondent no.2 were, already raised by one Mr. Vilas Deoraj Bhange in the year 2017 and were considered and rejected by the Committee and the Caste Certificate in favour of the respondent no.2 was found to be validly issued. The provisions of the Section 7 (2) of the Act of 2000, mandate that the order passed by the Scrutiny Committee

shall be final and not be challenged before any authority or Court except the High Court under Article 226 of the Constitution of India. The earlier order passed by the Committee on the complaint of Vilas Deoraj Bhange, has attained finality. No review before the respondent no.1/Committee is permissible in light of the language of Section 7 (2) of the Act of 2000. Though, the petitioner, being a different person may claim that his complaint may not amount to review of the earlier order in the strict sense of the term, however, the nature of allegations being the same, which have already been considered, tested and decided, the Committee was correct in rejecting the complaint filed by the petitioner.

8. The writ petition is, therefore, without any merits and, is accordingly **rejected**. No order as to costs.

JUDGE

JUDGE