

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

Writ Petition No.8338/2019

Taniya d/o. Umesh Rodde

...Petitioner

Versus

District Caste Certificate Scrutiny Committee, Amravati,

through its Member -Secretary

...Respondent

Shri R.D. Karode, Advocate for the Petitioner

Shri D.P. Thakare, AGP for the Respondent - State

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 29 JANUARY 2021

P.C.:

The Petitioner is challenging the order passed by the Respondent-Caste Certificate Scrutiny Committee, Amravati dated 26 November 2019 invalidating the Caste Certificate of the Petitioner dated 29 June 2015 as belonging to 'Telangi' Caste which is recognized as Nomadic Tribe (C).

2. The perusal of the impugned order shows that there is complete non application of mind by the Scrutiny Committee, which would warrant remand to the Scrutiny Committee.

3. The Petitioner had produced evidence in support of her Caste claim. Inquiry through Vigilance Cell was also conducted. The Petitioner

had relied upon the caste validity certificate of her uncle Suraj Kantilal Rodde dated 15 March 2010 which was issued by the very same Scrutiny Committee. The only ground on which the Scrutiny Committee has ignored the validity certificate of the Petitioner's uncle is on the ground that the answers given in the affinity test during the Vigilance Cell inquiry by the Petitioner's uncle. Nothing has been stated that issuance of validity certificate to the Petitioner's uncle was by way of any fraud or there was no document prior to 1961.

4. According to us, if the validity certificate of the blood relative is to be distinguished, higher decree of scrutiny is required. It settled that assessment will have to be after considering the totality of evidence produced by the Petitioner. It is not that when the validity certificate was issued to Petitioner's uncle no inquiry was carried out. The assessment of evidence by the Scrutiny Committee, therefore is perverse. The Scrutiny Committee will have to take into consideration the validity certificate issued to the Petitioner's uncle in its proper perspective and dealt with the same in the context of the evidence that has been produced on record by the Petitioner.

5. In these circumstances, the order passed by the Scrutiny Committee dated 26 November 2019 is hereby quashed and set aside. The proceedings are remanded to the Scrutiny Committee, Amravati for consideration in the light of what is observed above.

6. The Petitioner will attend the Scrutiny Committee, Amravati on 22 February 2021 wherein the Scrutiny Committee, Amravati will give further dates for appearance.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]