

**THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2685 OF 2022

1. Anuja D/o Shivling Damayyawar,
Age : 19 years, Occu. Education,
2. Aditya S/o Shivling Damayyawar,
Age 18 years, Occu. Education,
Both R/o Sagroli, Tq. Biloli,
District Nanded. ... **Petitioners**

Versus

1. State Common Entrance Test Cell,
Maharashtra, Mumbai
8th Floor, New Excelsior,
A. K. Nayak Marg, Fort, Mumbai
through its Commissioner and
Competent Authority.
2. Scheduled Tribe Certificate
Scrutiny Committee,
Kinwat, District Nanded
presently working at Aurangabad
Through its Member Secretary. ... **Respondents**

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Advocate for Petitioners : Mr. Mahesh Deshmukh h/f Mr. S. S.
Phatale.

AGP for Respondent No.2-State : Mr. A. S. Shinde.
Advocate for Respondent No.1 : Mr. M. D. Narwadkar.

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**CORAM : R. D. DHANUKA, AND
S. G. MEHARE, JJ.**

DATE : 14.03.2022

ORAL JUDGMENT (PER R. D. DHANUKA, J.) :-

1. Rule. Mr. Shinde, learned AGP waives service of notice for respondent-State. Mr. Narwadkar, learned counsel waives service of notice for respondent No.1. Rule is made returnable forthwith and heard finally by the consent of the parties.

2. By this petition filed under Article 226 of the Constitution of India, the petitioners have prayed for a writ of Certiorari and quashing and setting aside the impugned order dated 09.02.2022 passed by Respondent No.2-Committee and for declaration that the petitioners belong to “Mannervarlu” Scheduled Tribe and to issue certificate of validity in their favour in the prescribed form within the stipulated period.

3. In the earlier round of litigation, this Court passed an order on 27.01.2022 in Writ Petition No.622 of 2022 thereby setting aside the earlier order passed by the Scrutiny Committee rejecting the caste claim of the petitioners and remanded the matter back to the Scrutiny Committee with a direction to the Committee to call for the original document from Tahsil Office i.e. 1953 Shikmi Register relied upon by the

parites and considered by the Scrutiny Committee in the said impugned order which was subject matter to that writ petition. This Court also directed that the concerned teacher be also called so as to enable the petitioners to confront the said document to him.

4. Pursuant to the said order passed by this Court, the Scrutiny Committee passed a fresh order on 09.02.2022 thereby invalidating the caste claim of the petitioners which is the subject matter of this petition.

5. The Caste Scrutiny Committee considered the said 1953 document and rejected the caste claim of the petitioners again. A perusal of the impugned order indicates that at that stage the caste Scrutiny Committee had proposed to refer the matter to hand writing expert as is reflected in the Roznama annexed at page No.79 of the petition taking into custody the said document 1953.

6. Mr. Deshmukh, the learned counsel for the petitioners, on instructions, states that his clients has no objection if the Caste Scrutiny Committee is allowed to refer the said document for opinion of the hand writing expert. Statement is

accepted. In view of the statement made by the learned counsel for the petitioners, the impugned order dated 09.02.2022 passed by Respondent No.2-Committee is quashed and set aside. The applications filed by the petitioners for Caste Validity Certificate are restored to file before the Scrutiny Committee for deciding the matter afresh after obtaining the hand writing expert opinion in respect of the said 1953 document.

7. It is made clear that the Caste Scrutiny Committee shall decide the matter afresh on all the other issues also without being influenced by the observations made and the conclusion drawn in the impugned order dated 09.02.2022 expeditiously and not later than 3 months from the date of communication of this order. The petitioners to co-operate with the Scrutiny Committee for disposing of the caste claims made by the petitioners expeditiously and shall not seek any unnecessary adjournment.

8. The order that would be passed by the Caste Scrutiny Committee shall be conveyed to the petitioners within a period of one (1) week from the date passing of the order.

9. If the order is in favour of the petitioners, respondent No.2-Committee shall issue Caste Validity Certificates in favour of the petitioners within a period of one (1) week from the date of passing of such orders. If the order is adverse against the petitioners, the petitioners would be at liberty to file appropriate proceedings.

10. It is made clear that this Court has not expressed any views on the merits of the matter. All contentions of both the parties are kept open.

11. Writ Petition is disposed off in the aforesaid terms.

12. Rule is made absolute in the above terms. No order as to costs.

13. Parties to act on the authenticated copy of this order.

(S. G. MEHARE, J.)

(R. D. DHANUKA, J.)

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vmk/-