

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

1 WRIT PETITION NO.10373 OF 2018

RAJESH MADHAVRAO PARALIKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Adv. for Petitioner : Mr. M. S. Deshmukh h/f Mr. Jadhav V. U.

AGP for Respondents-State : Mr. A. S. Shinde.

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

DATE : 18.04.2022

PER COURT :-

1. We have heard the learned counsel for the parties.
2. Mr. Deshmukh, learned counsel for the petitioner, on instructions, states that his client has relied on Caste Validity Certificate issued by the Tribal Development Department Scheduled Tribe Certificate Scrutiny Committee, Aurangabad in case of Vijaykumar Kondiba Parlikar. He invited our attention to the show cause notice dated 18.08.2018 issued by the Scrutiny Committee to the Vijaykumar Kondiba Parlikar for review of the said Caste Validity Certificate issued in favour of the said Vijaykumar. The said show cause notice is still pending for consideration before the Scrutiny Committee.

3. Learned counsel for the petitioner states that his client has no objection, if the impugned order which is the subject matter of this petition, is quashed and set aside and if the caste claim of the petitioner is considered by the said Scheduled Tribe Certificate Scrutiny Committee which is ceased of the said show cause notice dated 18.08.2018 issued to the said Vijaykumar and is decided in accordance with law after giving full opportunity to the petitioner. Statement is accepted.

4. We accept the request made by the learned counsel for the petitioner to remand the matter back to the Scrutiny Committee for deciding the matter afresh.

5. We accordingly pass the following order :

ORDER

- (a) The impugned order and decision of the Committee dated 04.08.2018 invalidating the Tribe claim of the petitioner is quashed and set aside. The caste claim of the petitioner is restored before the Tribe Certificate Scrutiny Committee for deciding the matter afresh and in accordance with law without

being influenced by the observations made and the conclusion drawn in the impugned order dated 04.08.2018. The said caste claim of the petitioner to be heard along with the show cause notice dated 18.08.2018 issued by the said Committee to Mr. Vijaykumar expeditiously.

- (b) The Scrutiny Committee to furnish inspection of the files containing the documents which the Scrutiny Committee propose to rely upon while deciding the said show cause notice dated 18.08.2018 and the documents produced by the petitioner before the Scrutiny Committee before deciding the proceedings which culminated into the impugned order dated 04.08.2018 which is the subject matter of this petition. If the petitioner seeks copies of any of such documents, the Scrutiny Committee shall furnish such documents on payment of requisite charges of photo copy, if any, within a period of one (1) week from the date of such requisition, if made by the petitioner.

- (c) If the petitioner seeks to rely upon any additional documents which are not relied upon earlier, the petitioner would be at liberty to produce such documents before the Scrutiny Committee. The Scrutiny Committee, in that event, shall refer those documents to the Vigilance Committee under the provisions of the Maharashtra Scheduled Castes, 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 and the Rules and follow the procedure as prescribed under the said Act and the Rules while examining the Tribe claim of the petitioner.
- (d) The Scrutiny Committee shall make an endeavour to dispose off the said show cause notice dated 18.08.2018 and the caste claim of the petitioner within a period of four (4) months from the date of communication of this order after complying with the principles of natural justice. The order that would be passed by the Scrutiny Committee shall be

communicated to the petitioner within a period of one (1) week from the date of passing such order. If the caste claim of the petitioner is accepted, the Tribe Validity certificate shall be issued to the petitioner within a period of one (1) week from the date of passing such order. If Tribe Claim of the petitioner is rejected, the petitioner would be at liberty to file an appropriate proceedings.

- (e) The petitioner shall not seek any unnecessary adjournment before the said Scrutiny Committee and shall co-operate with the Members of the Committee.
- (f) The petitioner is directed to remain present before the Committee on 26.04.2022 at 11.00 a.m.
- (g) The learned AGP to communicate this order to the Committee for information and necessary compliance.
- (h) Writ Petition is disposed off in the aforesaid terms.
- (i) Parties to act upon the authenticated copy of this order.

- (j) It is made clear that all questions of fact and law are kept open to be decided by the Scrutiny Committee.
- (k) The interim relief granted by this Court to continue during the pendency of the caste claim of the petitioner before the Scrutiny Committee and for a period of four (4) weeks from the date of communication of this order if it is adverse against the petitioner.
- (l) No order as to costs.

(S. G. MEHARE, J.)

(R. D. DHANUKA, J.)

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vmk/-