

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9732 OF 2018**

Chaitanya Ramakant Shinde	]	Petitioner
Vs.		
State of Maharashtra through It's Secretary	]	
Tribal Development Department and	]	
others.	]	Respondents
a/w		

WRIT PETITION NO.8835 OF 2021

Pooja Surayakant Shinde	]	Petitioner
Vs.		
State of Maharashtra through it's Secretary	]	
Tribal Development Department and	]	
others.	]	Respondents
a/w		

WRIT PETITION NO.5333 OF 2021

Pawan Suryakant Shinde	]	Petitioner
Vs.		
State of Maharashtra through its Secretary	]	
Tribal Development Department and	]	
others.	]	Respondents

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Mr. R.K. Mendadkar, for Petitioners.

Ms. S.S. Bhende, A.G.P, for Respondent-State.

Mr. Mihir R. Govilkar, for Respondent No.3.

Mr. Sarthak Diwan i/b Mr. A.M. Kulkarni for Respondent No.4 in
W.P. No.9732 of 2018.

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CORAM : A. S. CHANDURKAR AND G.A. SANAP, JJ.

DATE : 18th APRIL, 2022.

P.C.

1. Challenge raised in these writ petitions is to the order passed by the Caste Scrutiny Committee, Aurangabad Division, Aurangabad dated 14th August, 2018. By that order, the Scrutiny Committee has cancelled the caste certificate issued to the petitioners dated 5th February, 2018 of belonging to “Thakur” schedule tribe. That caste certificate was issued by the Sub Divisional Officer, Latur.

2. A preliminary objection is raised by the learned A.G.P to the maintainability of the writ petitions at the Principal Seat at Bombay for the reason that order of invalidation has been passed by the scrutiny committee at Aurangabad and caste certificate which has been cancelled was issued by the Sub Divisional Officer, Latur.

3. In response, the learned Counsel for the petitioners has placed reliance on the decision in the case of **Nawal Kishore Sharma Vs. Union of India and others**,¹ to urge that the petitioners have taken education at respondent No.4 – College at Pune. The Principal Seat has territorial jurisdiction over the said College and hence, writ petitions be entertained on merits.

¹(2014) 9 Supreme Court Cases 329

4. It is true that since the petitioners are taking education at respondent No.4 – College which is situated at Pune within the territorial jurisdiction of the Principal Seat, part of cause of action could be said to arise at the Principal Seat. However, even if that is so, as held in the case of **Kusum Ingots and Alloys Limited Vs. Union of India**,² even if part cause of action has arisen within the territorial jurisdiction that by itself would not be a determinative factor to compel the Court to decide the matter on merits. In an appropriate case, the Court may refuse to exercise its discretion by invoking the doctrine of forum conveniens.

5. We find that the Scrutiny Committee was directed to produce the records and proceedings by this Court. Since the caste certificate was issued by S.D.O, Latur and the order of invalidation of the said caste certificate passed by the Scrutiny Committee at Aurangabad, it would be more convenient if the grievance of the petitioners is considered at Aurangabad Bench.

6. Learned Counsel for the petitioners seeks time to take appropriate steps to enable the proceedings to be transferred to Aurangabad.

7. In view thereof, stand over to 2nd June, 2022.

[G.A. SANAP, J.]

[A.S. CHANDURKAR, J.]

² (2004) 6 Supreme Court Cases 254