

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.3427 OF 2021**

Ansari Mohammed Adeen Akhtar

Hussian

..Petitioner

V/s.

District Caste Certificate Verification

Committee and Anr.

..Respondents

**AND**

**WRIT PETITION NO.6303 OF 2021**

Ansari Mohammed AnasZuber Ahmed

..Petitioner

V/s.

District Caste Certificate Verification

Committee and Anr.

..Respondents

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Mr. Saurabh Oka for the Petitioner.

Mrs. S. S. Bhende AGP for the Respondent-State

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**CORAM : SUNIL B. SHUKRE AND  
G. A. SANAP, JJ.**

**DATE : 10 MARCH 2022.**

**P. C.**

Heard. Rule. Rule made returnable forthwith by consent of the parties.

2. The main objection taken by learned counsel for the Petitioners in both these petitions is that no proper inquiry was conducted while scrutinizing the caste certificate of both the Petitioners. According to him as required by rule 13 of The Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes

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Corrected pursuant to the speaking to minutes order dated 29/4/2022.

(Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of )Caste Certificate Rules, 2012 (for short said rules) it was necessary for the Vigilance Cell Officer to submit his report upon making indepth inquiry as contemplated by the provision of law. He submits that vigilance Cell officer was expected to not only conduct domestic inquiry but also record statement of respected and responsible persons from concerned area including representatives of local self government, police patil or by collecting information from different sources as described in rule 13 of said rules but that has not been done by the vigilance inquiry officer.

3. Learned AGP submits that the vigilance cell inquiry is indeed conducted and therefore there is no merit in these petitions.

4. We disagree with learned AGP and find substance in the submission of learned counsel for the Petitioners. We are of the view that the vigilance cell officer has failed to conduct proper inquiry as contemplated under rule 13 (1) of the said rules. He has only conducted domestic inquiry as regards permanent place of residence of the Petitioners but, except conducting such domestic inquiry the vigilance cell officer failed to record statement of respected and responsible persons from concerned area and collect information from different sources as indicated in rule 13 of said rules. Each of these Petitioners have filed additional affidavit giving names of their close relatives who could have been met and inquired with by the vigilance

cell officer but it appears that the vigilance cell officer has not recorded their statements.

5. So the conclusion that follows is that in both these petitions, vigilance inquiry report has not been submitted upon making appropriate inquiry as contemplated by rule 13 of the said rules. Conduct of such inquiry in each of these cases was very necessary for the reason that the Petitioners are not in possession of any preconstitutional document or even a single document showing the social status of the Petitioners as "Muslim Julaha Caste". In such cases conduct of proper and indepth inquiry assumes significance as information collected during the course of inquiry would go a long way in effectively applying the affinity test to the persons claiming a particular social status. Since no proper inquiry has been conducted in this case as required under rule 13 of said rules and as the impugned order is largely based upon insufficient vigilance inquiry report, the impugned order cannot be said to be the order properly rendered by taking into consideration the relevant factors. In fact , there was no sufficient database available which comprised what could be called as the relevant factors.

6. In the result, we are of the view that these petitions deserve to be allowed and they are allowed. Accordingly, the impugned orders passed by the scrutiny Committee are hereby quashed and set aside. The matters are remanded back to the Scrutiny Committee i.e. Respondent No.1 for fresh consideration and fresh decision in accordance with law. The Scrutiny Committee may

consider directing another vigilance cell inquiry and if it directs such inquiry, the vigilance Cell Officer shall conduct it keeping in view the observations made herein above and the requirements of law as spelt out in rule 13 of said rules. The decision shall be rendered by Respondent No.1 Committee within a reasonable period of time preferably within 6 months from the date of receipt of authenticated copy of this order. The Petitioners to appear before the Scrutiny Committee on 21/3/2022 with liberty to submit documents to the Scrutiny Committee and also submit names of the witnesses, who may be examined by the vigilance inquiry officer.

(G. A. SANAP, J.)

(SUNIL B. SHUKRE, J.)