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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10238 OF 2019

Madhavprasad Girdharilal Chaurasia] .. Petitioner

vs.

The State of Maharashtra & Ors.] .. Respondents

Mr.Ramchandra K. Mendadkar, for Petitioner.

Mr.V.S.Gokhkale, B Panel Counsel for State.

**CORAM : S.V. GANGAPURWALA &
M.G.SEWLIKAR, JJ**

DATE : 21ST APRIL, 2022.

P.C.

1] The order of the Scrutiny Committee dismissing the Appeal against the rejection of the application for issuance of Caste Certificate is assailed.

2] The application of the Petitioner for issuance of Caste Certificate was rejected. The Petitioner filed an Appeal before the Scrutiny Committee. The Appeal is dismissed by the Research Officer of the Scrutiny Committee on the ground that the Appeal is not tenable.

3] The learned counsel for the Petitioner submits that the Appeal before the Scrutiny Committee against the order of Sub Divisional Officer is tenable under Section 5(1) of the Caste Certificate Rules, 2012.

4] The Scrutiny Committee consist of three members and the impugned order is passed only by the Research Officer. It appears that without application of mind the impugned order is passed. In fact the order passed by the Sub Divisional Officer itself suggests that the Appeal is tenable before the Scrutiny Committee. The impugned order appears to have been passed without application of mind and without going through the provisions. The said order is passed in a casual manner. Even before passing the impugned order the Appellate Authority did not take pains to issue notice to the Petitioner. Such approach needs to be deprecated. As such, following order is passed :

- i] Impugned order dated 28.05.2019 is set aside.
- ii] The matter is referred back before the Scrutiny Committee.
- iii] The Petitioner shall appear before the Scrutiny Committee on 05.05.2022.
- iv] The Scrutiny Committee shall, after hearing the Petitioner, decide the Appeal filed by the Petitioner on its own merits expeditiously, preferably within two months from the date of appearance of the Petitioner before the Scrutiny Committee.
- v] Writ Petition is disposed of. No costs.

[M.G.SEWLIKAR, J]

[S.V.GANGAPURWALA,J]