

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

WRIT PETITION NO.11586 OF 2022

Supriya Subhash Nanaware

.. Petitioner

v/s.

State of Maharashtra Through
its Secretary, Tribal Development Department
and Anr.

.. Respondents

Mr. R.K. Mendadkar a/w Ms. Priyanka S. and Ms. Komal Gaikwad for
the petitioner.

Mrs. Ashwini A. Purav, AGP, for the State-respondent nos.1 & 2.

CORAM : R.D. DHANUKA &

KAMAL KHATA, JJ.

DATED : 28TH SEPTEMBER, 2022.

P.C. :

1. Rule. Learned AGP waives service for the respondent nos.1 & 2.

Rule is made returnable forthwith.

2. By this petition filed under Article 226 of the Constitution of the
India, petitioner has prayed for writ of certiorari for quashing and
setting aside the order dated 25th August, 2022 passed by
respondent no.2 Committee rejecting the application filed by the
petitioner annexed at page 26 dated 23rd June, 2022 for framing

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preliminary issues and for adjudication of the same.

3. We have perused the application filed by the petitioner on 23rd June, 2022 and also the impugned order dated 2nd September, 2022. Though the petitioner has raised the said preliminary issues, without deciding those issues, the Caste Scrutiny Committee has proposed to decide the matter on merits.
4. Mr. Mendadkar, learned counsel for the petitioner placed reliance on the judgment of this Court dated 24th March, 2022 in case of ***Sushil Tulshidas Garud v/s. State of Maharashtra*** in ***Writ Petition no.2728 of 2022*** and submitted that in similar facts at hand, this Court has quashed and set aside the order passed by the Caste Scrutiny Committee and directed to decide the issue of maintainability of the show cause notice as well as issue of jurisdiction raised by the petitioner.
5. In our view, the Caste Scrutiny Committee ought to have decided the issue of jurisdiction before proceeding the matter on merits. In this case, the impugned order indicates that without deciding the issue of jurisdiction, the Caste Scrutiny Committee has proposed to proceed with the matter on merits. The order passed by the Caste Scrutiny Committee is contrary to the principles of law laid

down by this Court in case of Sushil Garud (supra) and is accordingly quashed and set aside.

6. The Caste Scrutiny Committee is directed to decide the issue of jurisdiction to reopen the case of the petitioner and that also after 20 years as a preliminary issue.
7. The Caste Scrutiny Committee shall pass the reasoned order while deciding the said preliminary issue. It is, however, made clear that if the Caste Scrutiny Committee is of the view that it has jurisdiction to proceed with the show cause notice and to reopen the Caste Validity certificate granted to the petitioner, the Caste Scrutiny Committee would be at liberty to proceed with the matter on its own merits.
8. It is made clear that this Court has not expressed any views on the merits of the show cause notice issued by the Caste Scrutiny Committee or the caste claim of the petitioner.
9. All contentions of both the parties are kept open.
10. The Caste Scrutiny Committee shall make an endeavour to dispose off the show cause notice within eight weeks from today.
11. The order that would be passed shall be communicated to

the petitioner within one week from the date of passing order.

12. If the petitioner is aggrieved by the said order, the petitioner would be at liberty to file the proceedings permissible in law.
13. Writ petition is disposed off in aforesaid terms.
14. Rule is made absolute. No orders as to costs.
15. Parties are directed to remain present before the Caste Scrutiny Committee on 19th October, 2022 at 11.00 a.m. without fail.

(KAMAL KHATA, J.)

(R.D.DHANUKA, J.)