

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1476 OF 2022

Piyush S/o Raju Katole,
Aged about 20 years, Occupation-Student,
R/o Shivaji Nagar, Arni,
Tq. and Distt. Yavatmal.

PETITIONER

- Versus -

The Schedule Tribe Caste Certificate Scrutiny
Committee, through its Member Secretary
and Deputy Director, Sanna Building,
Opp. Govt. Rest House,
Camp Amravati – 444 601.

RESPONDENT

Mr. Ashwin Deshpande, Advocate for the Petitioner.
Mr. A.A. Madiwale, Assistant Government Pleader for the
Respondent.

CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.

DATE : 20 APRIL 2022.

ORAL JUDGMENT (PER NITIN JAMDAR, J.)

RULE. Rule made returnable forthwith and heard
the learned counsel for the parties.

2. The Petitioner is a student who has filed this writ petition with sole prayer to direct the Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati to decide the caste claim of the petitioner expeditiously.

3. The Petitioner obtained the caste certificate belonging to 'Halbi' Scheduled Tribe issued by the Sub-Divisional Officer, Umrer on 26 August 2019. The caste certificate of the Petitioner was sent for verification to the Respondent-Scrutiny Committee by the college where the petitioner is taking education. The petitioner filed an online application on 25 November 2020 for verification. Since the same was not decided, the Petitioner has filed the present writ petition.

4. Issuance of a writ to decide the pending caste claim directing the Scrutiny Committee can arise in two circumstances. First when a petition is filed challenging the order invalidating the caste certificate and the Court having found lacunae in the impugned order remanding the proceedings to the Scrutiny Committee and secondly simplicitor issuance of a writ to direct disposal of a pending caste claim in a time bound period. Under the first scenario, if the Court finds that remand is necessary so as to avoid prejudice from the delay arising from remand, the Court may give priority for disposal of the remanded proceedings by fixing a time period. In the second scenario, where a simplicitor

direction is sought for disposal of a pending caste claim, issuance of writ cannot be automatic and without noticing the reason for delay, as such direction without examining the material may prejudice those who are awaiting disposal of their pending caste claims and those who may perhaps have more urgent causes but who may not have a financial wherewithal to approach the Court for filing a petition or they are awaiting by their turn. If such a direction is issued it may lead others who are awaiting disposal of their caste claims to file petitions which would lead clogging up the docket of this Court and upsetting the time table set by the Scrutiny Committee. In light thereof we had directed the Scrutiny Committee to place the position before us.

5. The Respondent-Scrutiny Committee has filed an affidavit wherein it is stated that there are 250 cases pending prior to the case of the Petitioner. The Scrutiny Committee has stated that without disclosing the pendency certain applicants with *mala fide* intention approach the High Court seeking direction to decide their caste claim within very less span of period and when such directions are issued the Scrutiny Committee has to decide the claim. As a result, the sequence of pending cases changes. As regards the procedure followed, the Scrutiny Committee has stated in paragraph 2 of the affidavit dated 18 April 2022 as under:-

“2. It is humbly submitted that in order to apply before scrutiny committee for verification of tribe certificate, applicant has to create login Id on the website of Tribal Research and Training Institute, Pune named as ‘e-Tribe Validity’ and the applicant may apply online for scrutiny of tribe certificate by way of filing required information and uploading required documents in support of his claim. As soon as the applicant completes above process he gets case Id number (Registration Number), automatically generated, with date of submission of application and accordingly his caste claim gets registered.

Thereafter concerning desk officer scrutinises the online application submitted by the applicant. If desk officer is satisfied with information provided in online application and finds it to be filled in proper manner, then he calls the applicant for physical scrutiny of his application. Date of physical scrutiny is forwarded to applicant on applicant’s mobile number as well as on e-mail Id provided by the applicant in his application.

On the given date applicant appears before concerning Desk Officer along with all original documents which he has already uploaded while applying online for scrutiny of tribe certificate. Then concerning desk officer gets satisfied by comparing uploaded and original documents. After getting satisfied, scrutiny committee accepts the application and acknowledgment is being given accordingly.

Thereafter case of the applicant is placed before the scrutiny committee. If the applicant prima facie proves his claim, certificate of validity is issued to the applicant by way of passing speaking order, otherwise the case of the applicant gets handed over to police vigilance cell for detailed home and school enquiry under rule 12(2) of Maharashtra Scheduled Tribes (Regulation of issuance and verification of) Certificate

Rules 2003. Accordingly police vigilance cell after making detailed school, revenue and other allied inquiry by way of visiting original place of living, use to submit their inquiry report to the committee. If the report submitted by Police Vigilance Cell is against the claim of the applicant, same is served upon the applicant alongwith copy of complete inquiry report with annexure by issuing show cause notice and the applicant is asked to submit his reply on the same.

By filing say on show cause notice, if applicant satisfies the scrutiny committee, at this stage also certificate of validity certificate is issued. Otherwise applicant is called for hearing and after getting heard fully the matter gets closed for order. Thereafter well reasoned final order is passed in the case of applicant. It is submitted that most of the time the applicant seeks adjournment and hence the particular case gets delayed.”

As regards the Petitioner’s case it is stated that his case ID No. is 5/510/Edu/102021/193473. The Vigilance Cell report is received on 9 March 2022 and the order would be passed within a period of fifteen days.

6. While we accept the statement of the Scrutiny Committee that the Petitioner’s caste claim would be decided within two weeks if all formalities are complete, we have to take a note of the stand taken by the Scrutiny Committee that such time bound directions disrupts its time table. If that be the concern of the Scrutiny Committee, it is always open for the Scrutiny Committee to place the statistics of the pending cases before the Court if a

simplicitor time bound direction is sought as in the present case so as to avoid prejudice to the pending cases as well as maintain the time table of the claims before the Scrutiny Committee. The Court can always in a given case direct that priority be given to the pending caste claim of the Petitioner before it. However, the Scrutiny Committee has to perform its duty to place the pendency of cases in matters such as the present one before the Court more particularly in light of the stand taken by the Scrutiny Committee itself that out of turn priority may disturb the sequence and the time table.

7. With these directions and accepting the statement of the Respondent-Scrutiny Committee as above regarding the Petitioner's pending caste claim, the writ petition is disposed of. Rule is made absolute in aforesaid terms with no order as to costs.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)

APTE