

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2071 OF 2022

Payoshni d/o Sudhir Wankhade, Anjangaon Surji, Dist. Amravati and anr.

-vs-

The State of Maharashtra, Thr. Secretary, Tribal Welfare Dept. Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms Preeti Rane, Advocate for petitioners.

Shri D. P. Thakare, Additional Government Pleader for respondents.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : August 17, 2022

P. C.

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

The petitioner claims to belong to 'Thakur' (Scheduled Tribe) and has been issued a caste certificate by the Sub Divisional Officer, Daryapur on 17/07/2015. The petitioner sought verification of the said caste certificate by making an Online application on 09/12/2020. Alongwith that application all the requisite documents came to be furnished. The Scrutiny Committee however on 06/06/2021 refused to verify the caste certificate on the ground that the certificate uploaded was not in proper format and that the family tree of the petitioner was not filed along with affidavit. Being aggrieved the petitioner has challenged the aforesaid decision.

It is submitted by the learned counsel for the petitioner that the caste certificate dated 17/07/2015 issued to the petitioner is in Form-C which is evident from its perusal. Further, alongwith the Online application the family tree along with affidavit was also uploaded. This affidavit is dated 10/03/2021. Hence it is submitted that both the reasons assigned by the Scrutiny Committee are not correct and proper verification of the claim is thus warranted.

The learned Additional Government Pleader for the respondents has relied upon the affidavit filed on behalf of respondent No.3. The reasons for the petitioner not being found entitled for validity certificate have been indicated therein as stated in the impugned order.

We find from a perusal of the caste certificate that it is issued in Form-C. There is also reference to the order passed by this Court in Writ Petition No.1235/2015. Similarly it is seen that all the details of the family tree are mentioned in the affidavit dated 10/03/2021 which is also evident from the Online details referred to by the petitioner. We therefore find that both the reasons for refusing to verify the petitioner's claim

as assigned by the Scrutiny Committee are not tenable. For that reason the order dated 25/09/2021 is set aside.

Accordingly it is directed that the petitioner's Online application dated 09/12/2020 shall be reconsidered and a decision thereon be taken in accordance with law. If the Scrutiny Committee requires any further documents from the petitioner, she could be called upon to furnish the same. Since the petitioner is pursuing her education, it is directed that the Scrutiny Committee shall decide the tribe-claim of the petitioner expeditiously and preferably within a period of six months from the date of petitioner's remaining present before it. The petitioner shall appear before the Scrutiny Committee on 29/08/2022. The decision taken be communicated to the petitioner.

Rule is made absolute in aforesaid terms with no order as to costs.

(Urmila Joshi-Phalke, J.)

(A. S. Chandurkar, J.)