

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
Writ Petition No.3566 of 2022**

Maithili D/o Shrikant Talegaonkar,
Aged 17 years,
Occ.: Education,
(Since minor),
through natural guardian father
Shrikant S/o Panjabrao Talegaonkar,
Aged about 47 years,
Occ.: Service,
R/o Rashtrasant Colony,
Arjun Nagar, Amravati,
Tq. & Dist. Amravati.

... Petitioner

Versus

1. State of Maharashtra,
through Department of Tribal
Welfare and Social Justice,
Mantralaya, Mumbai-32.
2. District Caste Certificate
Scrutiny Committee, Amravati,
B-Wing, 1st Floor,
Dr. Babasaheb Ambedkar Samajik Nyay Bhawan,
Camp Road, Amravati,
e-mail : csc_amravati@rediffmail.com

... Respondents

Shri P.R. Agrawal, Advocate for Petitioner.

Shri N.S. Rao, Assistant Government Pleader for Respondents.

CORAM : SUNIL B. SHUKRE & G.A. SANAP, JJ.

DATE : 6th OCTOBER, 2022

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

1. Rule. Rule is made returnable forthwith. Heard finally by consent of the learned counsel for the parties.

2. In this case, the caste validity certificates granted to the father and paternal uncle of the petitioner have been ignored by the respondent No.2- Scrutiny Committee on the ground that while issuing those validity certificates, no proper procedure was followed by the then Scrutiny Committee. The reason so given for not accepting the evidence of validity certificates granted to the relatives of the petitioner from his paternal side is untenable in law. By opining that the validity certificates were granted without following the procedure of law, the present Scrutiny Committee, i.e. the respondent No.2, is sitting in appeal over the previous Scrutiny Committee, which is not permissible in law. The respondent No.2- Scrutiny Committee cannot examine its own order as if at the later point of time, it has become an appellate authority. However, if it is found by the respondent No.2- Scrutiny Committee that the validity certificates granted earlier by it were obtained by fraud or by misrepresentation of material facts or by suppression of important facts, the Scrutiny Committee would have power to cancel those certificates, but even for that purpose, the show cause notice is required to be given to those certificate holders. In this case, there is no finding recorded by the respondent No.2- Scrutiny Committee that the earlier validity certificates were obtained by fraud or by misrepresenting the material facts or by suppressing the important facts, nor any notice has been

issued to the paternal relatives of the petitioner for showing cause against the proposed action of cancellation of those validity certificates. Therefore, we find that the view taken by the respondent No.2- Scrutiny Committee in not considering the evidence of validity certificates granted to the paternal relatives by the previous Scrutiny Committee, is illegal. This evidence, in our view, constitutes sufficient evidence of the social status claimed by the petitioner, and this is all the more so because those validity certificates have now attained the finality.

3. In the result, this petition, in our view, deserves to be allowed and it is allowed accordingly. The respondent No.2- Scrutiny Committee is directed to issue a caste validity certificate to the petitioner as belonging to 'Bhope', Nomadic Tribe (B) within a period of two weeks from the date of the receipt of the order.

4. Rule accordingly. No costs.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Lanjewar