

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

WRIT PETITION NO.2727 of 2022

Saroj Pyarelal Kekati,
Aged 23 years, Occ.Member,
R/o. Ward No.6, Chunabhatti Visapur,
Tah. Ballarpur, District Chandrapur.....

Petitioner.

versus.

1. State of Maharashtra through its Chairman... **Deleted**
District Caste Scrutiny Committee, Chandrapur, through'
its Chairman and another. **...Respondents.**

Shri P.D.Lawankar, Advocate h/f Shri Anil Dhawas, Advocate for petitioner.
Ms. N. P. Mehta, Assistant Government Pleader for respondents

CORAM :- A.S.CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.
DATE :- JULY 01, 2022.

P.C.

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

2. One of the contentions raised by the learned counsel for the petitioner is that the Scrutiny Committee supplied the copy of the report of the Vigilance Cell after invalidating the petitioner's caste claim. By the order dated 07.06.2022 the learned Assistant Government Pleader was called upon to produce the records of the Scrutiny Committee. The same is accordingly produced today. On its perusal it is seen that the Scrutiny Committee decided the proceedings on 27.01.2022 and invalidated the petitioner's caste claim. On page 49 of the record is a communication by the petitioner seeking copy of the report of the Vigilance Cell. This communication was received by the Scrutiny Committee on 13.03.2022. The copy of the report of the Vigilance Cell was supplied to the petitioner on 31.03.2022.

3. From the aforesaid it is clear that the report of the Vigilance Cell was supplied to the petitioner after passing of the impugned order. Hence on this short ground, the impugned order dated 27.01.2022 is liable to be set aside.

4. Accordingly for the reasons mentioned hereinabove, the impugned order dated 27.01.2022 passed by the Scrutiny Committee is set aside. The Scrutiny Committee shall re-consider the caste claim of the petitioner from the stage of supply of report of the Vigilance Cell. Since the report of the Vigilance Cell has now been supplied, the petitioner is granted time of four weeks to file a reply to the report of the Vigilance Cell. After receiving the response of the petitioner, the Scrutiny Committee is free to decide the petitioner's caste claim in accordance with law.

Since the petitioner is an elected member of Village Panchayat, Visapur, she shall not be disqualified only for want of validity certificate till the proceedings are decided by the Scrutiny Committee.

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

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

Andurkar..