

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

Writ Petition No.3808 of 2022

Aastha d/o Dayasagar Madgulwar,
Aged about 17 years (Minor),
through her Natural Guardian Father,
Dayasagar s/o Kashiram Madgulwar,
Aged about 52 years,
Occ. Service, R/o Bahiram Ngar,
Tah. Arni, District-Yavatmal

... Petitioner

Versus

District Caste Certificate Scrutiny Committee,
Yavatmal,
through its Member-Secretary,
Dr. Babasaheb Ambedkar Social Justice Bhavan,
Palaswadi Camp, Darvha Road,
District-Yavatmal.

... Respondent

Shri Mangesh V. Bute, Advocate for Petitioner.
Smt. K.S. Joshi, Additional Government Pleader for Respondent.

CORAM : SUNIL B. SHUKRE & ANIL L. PANSARE, JJ.
DATE : 10th NOVEMBER, 2022

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

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

2. On going through the impugned order, which is a one-page order and which does not consider the important documentary evidence, including the evidence of existence of caste validity issued to the father of the petitioner, we find that the respondent- Scrutiny

Committee has failed to perform its duty of evaluating and deciding the caste/tribe claim of the petitioner in accordance with law. The duty or the responsibility placed upon the Scrutiny Committee in such matters is onerous and the same must be discharged by the Scrutiny Committee in a rational manner with sense of responsibility. Except for the reason that the petitioner has failed to produce any documentary evidence showing that the family of the petitioner was resident of the relevant area before the cut-off date, no other reason whatsoever has been given by the Scrutiny Committee. More than the proof of residence, the documentary evidence in the nature of caste validity certificate issued in favour of the father of the petitioner was something which ought to have been considered appropriately by the Scrutiny Committee, but the Scrutiny Committee failed to do so and thereby it has abdicated its duty. Such an order, the impugned one, therefore, has to be termed as arbitrary and illegal.

3. The petition is, therefore, allowed. The impugned order is quashed and set aside. The matter is remanded back to the Scrutiny Committee for its fresh consideration and decision in accordance with law. The matter shall be decided by the Scrutiny Committee at Yavatmal at the earliest and in any case within eight weeks from the date of appearance of the petitioner before it. The petitioner to appear before the Scrutiny Committee on 21-11-2022.

4. Rule is made absolute in the above terms. No costs.

(ANIL L. PANSARE, J.)

(SUNIL B. SHUKRE, J.)

Lanjewar