

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

WRIT PETITION NO.6554/2022

Vishal Shalikram Wasu,
aged about 19 years, Occ. Student,
r/o At Divthana, Post Peth,
Tq. Chikhali, Dist. Buldhana.

...PETITIONER

...V E R S U S...

The District Caste Scrutiny Committee,
District Buldhana, through its Secretary
and Research Officer, Dr. Babasaheb Ambedkar
Social Justice Bhavan, Trisaran Chowk
Chikhli Road, Buldhana-443 001

...RESPONDENT

Ms Deepali V. Sapkal, Advocate for petitioner.
Ms N. P. Mehta, A.G.P. for respondent.

CORAM:- SUNIL B. SHUKRE & ANIL L. PANSARE, JJ.
DATED :- 09.11.2022

ORAL JUDGMENT (Per: Sunil B. Shukre, J.)

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

2. It is stated by learned A.G.P. that the petitioner did not cooperate properly with the Scrutiny Committee in enabling the Scrutiny Committee to expeditiously decide the caste claim of the petitioner. However, considering an

admitted fact, that Roznama is not maintained by the Scrutiny Committee and also the fact that while the hearing fixed by the Committee was on 15.09.2022, the petitioner received notice of the hearing on 17.09.2022, we are of the opinion that the Committee is conducting proceedings of verification and validation of the caste/tribe claims, in a very disorganized manner, bordering on indiscipline on the part of the Scrutiny Committee.

3. When the nature of the authority exercised by the Scrutiny Committee, a quasi judicial one, is well known to it, it is not appropriate on the part of the Scrutiny Committee to be reluctant to start a Roznama or case diary and maintain it properly. The original record of the present case has been produced before us. And it reflects very poorly on the manner in which procedural requirements of the quasi judicial proceedings have been met by the Scrutiny Committee. It would, therefore, be advisable for the Scrutiny Committee, Buldhana to take a lesson or two from this case and start maintaining Roznama in each and every proceeding

in future. If the Scrutiny Committee, Buldhana follows this procedure or, for that matter, every Scrutiny Committee, exercising the jurisdiction in such matters, does the same, the Scrutiny Committees would be saved from the repetitive effort of sending notices of hearings to the claimants in respect of every date of the hearing. In fact, there is already a duty imposed upon each Scrutiny Committee to create and maintain Roznama of the proceedings of every case.

4. Rule 17 (5) of the Maharashtra Scheduled Castes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of issuance and Verification of) Caste Certificate Rules, 2012, speaks about the contents of Roznama. It says that Roznama of the Scrutiny Committee shall be self evident as to what transpired on a particular day and it shall be signed by all the members of the Scrutiny Committee. This rule clearly contemplates, starting and maintaining of Roznama by the Scrutiny Committee and that is the reason why, it lays down that the Roznama of the Scrutiny

Committee shall be self evident and self reflective of what transpired on a particular date. It also requires all the members of the Scrutiny Committee to sign it.

This procedure, in the present case, has been completely ignored by the respondent-Scrutiny Committee.

5. We, therefore, direct the respondent-Scrutiny Committee to start maintaining proper Roznama in terms of Rule 17(5) of the Rules, in the present case and also in all the future cases, so that there would not be any need for the Scrutiny Committee to send communications of dates of hearings to the claimants, from time to time and reply of the first communication in that regard, by the claimants would be enough. That will also go a long way in cutting down on the time for final disposal of the claims pending before the Scrutiny Committees.

6. Having said so, we direct the Scrutiny Committee, Buldhana to decide the caste claim of the petitioner, in accordance with law, as expeditiously as possible, within two weeks from the date of appearance of the petitioner before

the Scrutiny Committee, Buldhana. The petitioner shall appear before the Scrutiny Committee on 14.11.2022.

The writ petition is disposed of in the above terms.

Rule accordingly. No order as to costs.

(Anil L. Pansare, J.)

(Sunil B. Shukre, J.)

kahale