



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.10819 OF 2023

Abhishek Balaji Ghante .. Petitioner.
v/s.
Schedule Tribe, Caste Scrutiny Committee,
Pune Division, Pune
& Others .. Respondents.

Mr. AshokB. Tajane, for the Petitioner.
Mr. N. C. Walimbe, AGP for Respondent Nos.1, 2 & 4.
Ms. Kavita N. Solunke with Ms. Pranoti Moghe, for the CET-Cell.

**CORAM: SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ.**
DATED : 7th SEPTEMBER, 2023.

PC:-

Heard. **Rule.** Rule is made returnable forthwith and heard finally by the consent of the parties.

2 It is seen from the impugned order that the Scrutiny Committee has rejected the Validity Certificates granted to Babinanda Ambadas Ghante and another person Dinesh Dattatray Ghante, both related to the Petitioner from the Paternal side on the ground that Validity Certificates were granted to them by the respective Scrutiny Committees on the basis of some cryptic enquiry conducted by the Scrutiny Committees. The Scrutiny Committee while doing so, has forgotten the settled principle of law that the Validity Certificate granted to a person is a conclusive proof of social status claimed by that person and such conclusive proof for that person stands as a reliable and good piece of

evidence for another person who is a blood relative for proving the claim of the other person as to belonging to the same Caste or Tribe. It also appears that the Scrutiny Committee has ignored another settled principle of law that it has no power of review to reconsider the Validity Certificates granted to the blood relatives of the Claimants and it can re-visit that Validity Certificate only when the earlier Validity Certificates were obtained by playing fraud upon Committee or by suppressing or misrepresenting the facts. A useful reference can be made to the law laid down by this Court in the case of ***Apoorva Nichale v/s. Divisional Caste Certificates Scrutiny Committee , Nagpur*** (Writ Petition No.1504 of 2010 [Nagpur Bench]).

3 This is an important aspect of the matter that has not been considered by the Scrutiny Committee in any manner.

4 Of course, there is a contrary evidence in the present case and it comes forth in the nature of evaluation of the Caste Certificate of Balaji Ambadas Ghante father of the Petitioner. The evaluation of the Tribe claimed by the Balaji Ambadas Ghante has been accepted by the Scrutiny Committee but the Scrutiny Committee has not accepted the validation of the Tribe Certificates of Babinanda Ambadas Ghante and Dinesh Dattatray Ghante who also belongs to the same paternal family, as the Petitioner. The effect of existence of such contrary evidence is required to be considered by the Scrutiny Committee in the light of the other evidence available on record and after such evaluation, the Scrutiny Committee is required to decide as to which set of evidence it should rely upon and which set of evidence be rejected by it. This also has not been done by the Scrutiny Committee in the present case.

5 Thus, we find that this is a fit case wherein there is a manifest error committed by the Scrutiny Committee in application of evidence available on record and, therefore, this is a fit case for interfering with the impugned order and sending it back to the Scrutiny Committee for fresh consideration and decision in accordance with law.

6 Accordingly, Writ Petition is allowed and the impugned order is hereby quashed and set aside, matter is remanded back to the Scrutiny Committee for fresh consideration and decision in accordance with law in the matter.

7 Petitioner is at liberty to produce before the Scrutiny Committee additional evidence. The Scrutiny Committee is at liberty to take into consideration the evidence already available on record and also elicit further evidence in the nature of vigilance enquiry report, if it thinks fit. The Scrutiny Committee shall decide the claim of the Petitioner in accordance with law as early as possible and preferably within a period of twelve weeks from the date of appearance of the Petitioner before the Scrutiny Committee. Petitioner to appear before the Scrutiny Committee on 20th September, 2023 at 11.30 a.m.

8 Rule is made absolute in the above terms.

(FIRDOSH P. POONIWALLA,J.)

(SUNIL B. SHUKRE,J.)