

Anand

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

WRIT PETITION NO. 281 OF 2023

Vilas Raghunath Redij .Petitioner
 Age : 73, Occupation : Retired
 R/o. 1501 Aurilia
 Rustamjee Urbania Township,
 Majiwada, Thane(W),
 District - Thane
 And
 R/o. At post Devrukh,
 Taluka - Sangmeshwar,
 District - Ratnagiri.

Vs.

1. The State of Maharashtra .Respondents
 Through it's Secretary,
 Tribal Development Department,
 Mantralaya,
 Mumbai - 400 032.
2. The Scheduled Tribe Certificate
 Scrutiny Committee, Ratnagiri
 through its Member Secretary,
 having its office at
 Dr. Babasaheb Ambedkar Samajik
 Nyay Bhavan, Opposite Power House,
 Ratnagiri,
 District - Ratnagiri.
3. The Sub Divisional Officer,
 Ratnagiri Sub Division,
 District - Ratnagiri.

Mr. Shashank C. Mangale, Advocate, for the Petitioner
 Ms M. P. Thakur, AGP, for Respondent Nos. 1 to 3 - State

**CORAM : A. S. CHANDURKAR AND
M. W. CHANDWANI, JJ.**

DATE : 07 FEBRUARY 2023

ORAL JUDGMENT (PER : A. S. CHANDURKAR, J.)

. Heard.

2. **Rule.**

3. Rule is made returnable forthwith. With the consent of the parties, the Petition is taken up for final disposal at the stage of admission.

4. The challenge raised in this Writ Petition is to the order dated 12.03.2020, by which the Scrutiny Committee has refused to entertain the Appeal preferred by the Petitioner against the order dated 23.08.2019 passed by the Sub Divisional Officer, Ratnagiri refusing to issue a Caste Certificate to the Petitioner by considering the documents of his mother.

5. The learned counsel has invited our attention to the order passed by this Court (Coram : R. D. Dhanuka & V. G. Bisht, JJ.) in W. P. (St.) No. 3017 of 2020 dated 09.02.2021, wherein this Court has held that in view of the Notification dated 29.06.2022 issued by the State Government, the Scrutiny

Committee as an Appellate Authority can entertain and decide an Appeal challenging an order refusing to grant Caste Certificate to the Petitioner.

6. We have perused Affidavit-in-reply filed on behalf of the Research Officer, Scrutiny Committee, Ratnagiri. In paragraph 9 thereof, it has been stated that in view of the order passed by this Court in the aforesaid proceeding, the Scrutiny Committee is willing to consider the Petitioner's Appeal on merits.

7. In view of the aforesaid, the following order is passed.

O R D E R

(i) The order dated 12.03.2020 passed by the Scrutiny Committee refusing to grant the Appeal preferred by the Petitioner is quashed and set aside;

(ii) The Scrutiny Committee shall re-consider and decide the Petitioner's Appeal preferred under Section 5 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes, (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 on its own merits and in accordance with law;

(iii) To enable consideration of the Appeal, the Petitioner shall appear before the Scrutiny Committee on 28.02.2023 so that individual notice can be dispensed with;

(iv) The Scrutiny Committee shall within a period of eight weeks from that date decide the Appeal on merits.

8. The Writ Petition is allowed in the aforesaid terms and disposed of. Rule is made absolute in the above terms. No costs.

(M. W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)