

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 516 OF 2023

Naresh Mahadev Ranjane

....Petitioner

V/S

State of Maharashtra and Ors.

....Respondents

...

Mr. Chintamani K. Bhangoji, for the Petitioner.

Mrs. N.M. Mehra, AGP for State.

...

**CORAM: NITIN JAMDAR, ACJ &
SANDEEP V. MARNE, J.**

DATE : 6 JUNE 2023.

P.C.:

Heard learned Counsel for the parties.

2. The Petitioner has challenged the order passed by the Scheduled

Tribe Certificate Scrutiny Committee, Pune dated 16 March 2022 invalidating the Caste Certificate of the Petitioner dated 26 August 2016 as belonging to Koli Mahadev Scheduled Tribe.

3. The Petitioner applied for Caste Certificate to the Competent Authority in respect of his claim that he belongs to Koli Mahadev (Scheduled Tribe). The Caste Certificate was issued to the Petitioner on 26 August 2016. The Petitioner was earlier granted Caste Certificate as belonging to Mahadev Koli Scheduled Tribe on 13 March 1992 and thereafter fresh Caste Certificate was issued on 26 August 2016, as above.

4. The Petitioner was appointed as MTS (Group-D) under the Reserved Category (Scheduled Tribe) with the General Post Office, Mumbai on 1 March 1995. Petitioner's Caste Certificate was sent for verification to the Scrutiny Committee.

5. The Petitioner appeared before the Scrutiny Committee and submitted certain documents. Vigilance Cell enquiry was conducted and its report was submitted on 5 January, 2022. The Respondent-Scrutiny Committee by impugned order, invalidated the Caste Certificate.

6. The Petitioner is terminated from service by Respondent

No.3-the employer. The Petitioner has filed Original Application in the Central Administrative Tribunal in respect of his termination, which is pending.

7. The learned Counsel for the Petitioner contended that the most important document in Petitioner's favour that is Birth Register of Paternal (Cousin of Petitioner) Grandfather, Genba S/o. Vithu Bin Bhiva Ranjana Koli, was totally omitted from consideration by the Scrutiny Committee even though the document is of 12 January, 1926, prior to 1950. The learned Counsel submits that the impugned order does not record any reason whatsoever, neither raises any doubt regarding the genuineness of the Caste Certificate and therefore the impugned order is perverse and bad in law. The learned AGP supports the impugned order.

3. Having perused the impugned order, we find that there is no discussion as regards the Birth Register of Genba though it is placed on record. Thus we are of the opinion that the matter needs to be remanded before the Scrutiny Committee for consideration of the entry in the Birth Register of Genba. Since we are remanding the matter, we refrain from making any observations in respect of the evidentiary value of the said document as it will be for the Scrutiny Committee to consider the same. Suffice to state that, once the document was relied upon by the Claimant as pertaining prior to 1950, the same should have been dealt with by the Scrutiny Committee either in positive or negative manner.

Refusing to even refer to the same in the discussion cannot be countenanced. Therefore it will have to be held that the order of the Scrutiny Committee, is an unreasoned order. In light thereof, impugned order dated 16 March 2022 is quashed and set aside. The caste claim of the Petitioner stands restored to file to be considered as per law.

4. We make it clear that we have not made any observations on the evidentiary value of the above-mentioned document. We also make it clear that we have remanded the proceedings for fresh consideration and the caste claim of the Petitioner would be decided afresh by the Scrutiny Committee as above.

5. Considering the fact that remand is necessitated for non-consideration of the documents by the Scrutiny Committee which is not the fault of the Petitioner, the Scrutiny Committee upon remand, shall decide the proceedings within a period of four months from today. The Writ Petition is accordingly disposed of.

SANDEEP V. MARNE, J.

ACTING CHIEF JUSTICE