

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8443 OF 2022

Ambika D/o Chandrakant Budhale

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

- Mr. Sahil Choudhari h/f. Mr. Deepak Choudhari, for the Petitioner.
- Mr. S.L. Babad, AGP for Respondent State.

CORAM : SUNIL B. SHUKRE &
RAJESH S. PATIL, JJ

DATE : 28th JULY, 2023.

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

1. Heard. Rule. Rule made returnable forthwith by consent of the learned counsel for the parties.
2. We find that there is a substance in the submission of learned counsel for the petitioner that at the time of issuance of caste certificate, a detailed enquiry, which is to be done by the Scrutiny Committee, has been done by the competent authority. We also find that the competent authority has only to satisfy itself about the genuineness of the documents placed before it and not take upon itself the job of appreciation of evidence tendered by the claimant.

3. However, in the present case, perusal of the impugned order shows that a detailed enquiry has been made by the competent authority, which enquiry should have been done actually by the Scrutiny Committee. Therefore, the impugned order can sustain itself in the eye of law.

4. In the result, the petition is allowed. The impugned order is hereby quashed and set aside. The matter is remanded back to the competent authority i.e. Respondent No.3 for considering afresh the claim of the petitioner and to take an appropriate decision thereon by following the procedure prescribed in Rules 3 & 4 of the Maharashtra Scheduled Tribes (Regulation of Issuance and verification of) Certificate Rules, 2003. Final decision in the matter shall be taken by Respondent No.3 within a period of two weeks from the date of appearance of the petitioner before Respondent No.3. Petitioner to appear before Respondent No.3 on 1st August, 2023 at 11.30 a.m. The petitioner is at liberty to file before Respondent No.3 additional documents, if any.

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

6. Writ Petition is disposed of.

[RAJESH S. PATIL, J.]

[SUNIL B. SHUKRE, J.]