

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

**WRIT PETITION NO. 268 OF 2023**

Nagnath Maruti Gavali  
Age : 53 years, Occu. - Service,  
R/o. At Post Room No. 11/4,  
Gokhalenagar, Police Line,  
Baramati Hostel, Pune-411016.

....Petitioner

Versus

1. State of Maharashtra  
Through Tribal Development Department,  
Mantralaya Mumbai,  
Through its Principal Secretary.
2. State of Maharashtra,  
Through Scheduled Tribe Certificate  
Scrutiny Committee  
Pune Division, Pune  
Through its Secretary
3. Office of the Commissioner of Police,  
Pune City, Pune.

....Respondents

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Mr. Abhineet Pange a/w. Mr. Vikas Daund i/b. Ms. Tejasweeta V. Bhosale  
for the Petitioner.

Mr. N. K. Rajpurohit, AGP for Respondent - State.

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**CORAM: NITIN JAMDAR, ACJ &  
SANDEEP V. MARNE, J.  
DATE : 9 JUNE 2023.**

**P.C.:**

By this petition petitioner challenges judgment and order dated 28 June 2022 of the Scheduled Tribe Certificate Scrutiny Committee, Pune thereby rejecting petitioner's claim of 'Thakar' Scheduled Tribe.

2. Petitioner was issued certificate certifying that he belongs to Thakar Scheduled Tribe by Sub-Divisional Officer, Baramati. On the strength of the said Tribe Certificate, petitioner came to be selected and appointed on the post of Police Hawaldar in the office of the Commissioner of Police, Pune City. He was thereafter promoted to the post of Police Naik. Petitioner's Tribe Certificate was forwarded to the Scrutiny Committee for verification. The Committee initially held that petitioner's certificate was not in form 'C' and directed him to obtain caste certificate in form 'C' and submit the same to the Committee for verification.

3. Petitioner accordingly approached to Sub-Divisional Officer, Baramati and procured caste certificate in form 'C' on 22 October 2020. Petitioner was required to file a fresh proposal for validity before the Committee. The Committee directed Vigilance Cell to conduct school, home and other inquiries. It appears that in pursuance of the earlier proposal, Vigilance Cell inquiry was conducted and inquiry report dated

27 March 2017 was submitted to the Committee. In pursuance of fresh proposal for verification of caste claim, another Vigilance Cell inquiry was conducted and fresh report was submitted on 7 December 2020. Copy of the report of the Vigilance Cell was supplied to the petitioner and he submitted his reply. Petitioner filed Writ Petition No.7387 of 2021 for expeditious decision of his caste claim, which came to be disposed of vide order dated 22 February 2022 directing the Committee to decide the proposal within 3 months. The Committee thereafter proceeded to decide petitioner's caste claim and by judgment and order dated 28 June 2022, has rejected the same. Aggrieved by the decision of the Scrutiny Committee, petitioner has filed the present petition.

4. We have heard Mr. Pange learned counsel appearing for the petitioner and Mr. Rajpurohit the learned AGP appearing for the State.

5. In support of his claim, petitioner relied upon several documents. He particularly relied upon document in respect of Shankar Sahebrao Gavali (Grandfather), Maroti Shankar Gavali (Father) and parental aunt. The report of the Vigilance Cell was in Petitioner's favour as it did not point out any irregularity in the entries of his grandfather, father and paternal aunt.

6. Perusal of the impugned judgment and order of the Scrutiny Committee however indicates that the Committee has not dealt with the document in respect of grandfather, father and paternal aunt while

rejecting the petitioner's caste claim. Instead, it has taken into consideration entries of 'Bhat', 'Maratha', 'Hindu Maratha', etc. appearing in records of some of the other distant relatives. The approach of the Committee in ignoring the entries in the records of grandfather, father and paternal aunt but considering entries in documents of other distant relatives does not commend us. In our view the Committee ought to have taken into consideration and recorded its finding in respect of entries made in the documents of grandfather, father and paternal aunt.

7. In our considered view there is no proper application of mind on the part of committee to the vital documents appearing on record. The Committee has failed to deal with the entries in the documents of grandfather, father and paternal aunt of the petitioner. In view thereof impugned judgment and order of the Scrutiny Committee is unsustainable. However instead of recording our own findings on the basis of entries made in the documents of grandfather, father and paternal aunt, we deem it appropriate that the Scrutiny Committee first considers those documents and records its own findings thereon. Therefore, the case deserves to be remanded to the Scrutiny Committee for fresh consideration. In the light thereof, we proceed to pass following order.

### **ORDER**

- 1) Judgment and order dated 28 June 2022 passed by the Scheduled Tribe Certificate Scrutiny Committee, Pune is set aside.

- 2) The case is remanded to the Scrutiny Committee for fresh decision.
- 3) The Committee shall take into consideration the entries reflected in the documents of grandfather, father and paternal aunt of petitioner and record it's findings thereon while taking fresh decision in the matter. The Committee has decide the caste claim of Petitioner on its own merits without being influenced by any findings recorded in this order.
- 4) Considering the fact that caste claim of the petitioner has been pending since long and that he was required to approach this court twice, it would be appropriate that his caste claim is decided in an expeditious manner preferably within a period of 4 weeks from today.
- 5) Writ Petition is accordingly disposed of.

**SANDEEP V. MARNE, J.**

**ACTING CHIEF JUSTICE**