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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.1976/2022

Taniya d/o Umesh Rodde,
Aged about 22 years,
Occ- Student, R/o Old Bye Pass Vidyapeeth Colony,
Near Meherbaba Institute, Amravati,
Tah and District Amravati.

... Petitioner.

Versus

District Caste Certificate Scrutiny
Committee, Amravati, Tah. and District Amravati
through its Member-Secretary.

... Respondent.

Mr. R.D. Karode, Adv for petitioner.
Mr. S.M. Ukey, Addl.GP for respondent.

**CORAM : AVINASH G GHAROTE &
URMILA JOSHI-PHALKE, JJ.**
DATE : 06-09-2023

Oral Judgment (Per Avinash G Gharote, J.)

Rule. Rule is made returnable forthwith. Heard finally by consent of the learned Counsel for the parties.

2. The petition challenges the decision of the Scrutiny Committee dated 08-02-22, whereby the claim of the petitioner of belonging to the 'Telangi NT (C)' category has been rejected.

3. Mr. Karode, learned Counsel for the petitioner, invites our attention to the genealogical tree at page 27 which indicates that Suraj s/o Kantilal Rodde is the real uncle of the petitioner, who has been granted validity on 15-03-2010 (page 16). The relationship between the petitioner and the said Suraj Kantilal as niece and uncle is not disputed by Mr. Ukey, learned Additional Government Pleader for the respondent. This is also borne

out from para 3 of the impugned decision of the Scrutiny Committee in which, in the tabular chart, the validity granted to Suraj s/o Kantial Rodde has been mentioned. The impugned order of the Scrutiny Committee also does not disputes this position.

4. In an earlier round of ligation when the Scrutiny Committee had dismissed the claim of the petitioner a challenge thereto in WP No.8338/19 was accepted by the order dated 29-01-2021 and the matter was remanded back to the Scrutiny Committee to reconsider specifically in light of the validity granted to the uncle of the petitioner and the order indicated that while considering the claim upon remand, the validity granted to the petitioner's uncle was specifically to be taken into consideration, as the same was done after vigilance enquiry.

5. The impugned decision of the Scrutiny Committee (para 4, page 55) though notes this and does not dispute the relation between the petitioner and said Suraj s/o Kantilal Rodde, however, tries to distinguish the judgment of remand passed by this Court in WP No.8338/19, to deny the validity to the petitioner. In our considered opinion such conduct on part of the Scrutiny Committee is clearly impermissible in law and needs to be deprecated. Once the Committee has granted validity to the blood relative of the petitioner on the paternal side and Vigilance Cell report does not dispute the relationship between the petitioner and the relative on the paternal side who has been granted validity, it would not be open for the Scrutiny Committee, to embark on a re-enquiry into the matter and it has no other option than to issue a validity certificate to the claimant also. (See para 23 in Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra (AIR 2023 SC 1657). This is also spelt out from Rule 16(h) and Explanation (3) of the Maharashtra Scheduled Caste, De-notified Tribes (VJ),

NT, OBC and SBC (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012.

6. In the instant matter, there is no dispute regarding the validity granted to the paternal uncle of the petitioner neither there is dispute regarding the relationship, in view of which, the impugned decision of the Scrutiny Committee cannot be sustained. The same is hereby quashed and set aside. The Scrutiny Committee is directed to issue Caste Validity Certificate to the petitioner belonging to 'Talangi' NT (C) within a period of two weeks from today.

7. Rule is made absolute in above terms. No costs.

JUDGE

JUDGE