



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

WRIT PETITION NO.1942 OF 2023

[Motiram S/o Moreshwar Mohadikar **..V/s..** Joint Commissioner and
Vice Chairman]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
order
and Registrar's orders.*

Court's or Judge's

Shri S. R. Narnaware, Advocate for Petitioner.
Smt N. P. Mehata, Addl. GP for Respondent.

CORAM : A. S. CHANDURKAR AND ABHAY J. MANTRI, JJ.

DATE : 8th NOVEMBER, 2023.

. **Rule.** Rule made returnable forthwith and heard the learned counsel for the parties.

2. The petitioner is aggrieved by the order of invalidation passed by the Scrutiny Committee on 25.01.2023. After hearing the learned counsel for the parties and after perusing the record maintained by the Scrutiny Committee, it is seen that the petitioner's application dated 12.05.2022 that has been filed under Rule 12(2) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003 (for short, "Rules of 2003") has not been decided. In Writ Petition No.6326 of 2022 (**Shri Motiram s/o Moreshwar vs. The State of Maharashtra and Anr**), this Court by the order dated 19.12.2022 had directed the Scrutiny Committee to decide the application dated 12.05.2022 within a period of three weeks. Though the petitioner's claim has been decided this application remains undecided. In these facts, we find that the order passed in Writ Petition No.6326 of 2022 remains to be complied with.

3. For aforesaid reasons, the following order is passed :

i) Order dated 25.01.2023 passed by the Scrutiny Committee is

set aside since the petitioner's application dated 12.05.2022 was not considered by the Scrutiny Committee.

ii) It is directed that the Scrutiny Committee while deciding the proceedings shall pass orders on the applications dated 12.05.2022 as well as 22.04.2022 that have been filed under Rule 12(2) of the Rules of 2003.

iii) The Scrutiny Committee shall also decide the application filed under Section 9 of the Maharashtra Scheduled Caste, 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. To facilitate the consideration of this application, the petitioner shall appear before the Scrutiny Committee on 01.12.2023.

iv) The petitioner's claim be decided within a period of three months from that date.

4. With aforesaid directions, the Rule is disposed of with no order as to costs.

(ABHAY J. MANTRI, J.)

(A. S. CHANDURKAR, J.)