

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

WRIT PETITION NO.3359 OF 2022

Murlidhar Namdeorao Khadge,
Aged 53 years, residing at C-11/502,
Mansarovar, Lokdhara, Kalyan (East),
Dist. Thane. **PETITIONER**

...V E R S U S...

1. State of Maharashtra through its
Secretary, Tribal Development Department,
Mantralaya, Mumbai-400 032.
2. Scheduled Tribe Certificate Scrutiny
Committee, Amravati Division, Amravati,
through its Member Secretary, having its
office at Sana House, Chaparashipura,
Opposite, Commissionerate, Amravati,
Dist. Amravati.
3. Hindustan Petroleum Corporation Ltd.
Government of India undertaking through its
Executive Director Mumbai Refinery and
Disciplinary Authority, having its Office
at Corridor Road, Mahul,
Mumbai-400 074. **RESPONDENTS**

Mr. R. K. Mendadkar, Advocate with Mr. G. G. Mishra,
Advocate for Petitioner.
Mr. N. S. Rao, AGP for Respondents 1 and 2/State.
Mr. Tushar Darda, Advocate for Respondent 3.

CORAM: **ROHIT B. DEO AND Y. G. KHOBRAGADE, JJ.**
DATE: **13th FEBRUARY, 2023.**

ORAL JUDGMENT: **(PER ROHIT B. DEO, J.)**

Heard. Rule. Rule made returnable forthwith by

consent of the learned counsels for the parties.

2. The challenge is to the order dated 08.06.2021 rendered by the respondent 2 – Caste Scrutiny Committee whereby the claim of the petitioner of belonging to Halbi Scheduled Tribe is rejected. The thrust of the submissions canvassed is that the Caste Scrutiny Committee has kept out of the consideration relevant material, and certain observations are made which are not consistent with the material on record.

3. In view of the order which we propose to pass, we are not inclined to delve deeper.

4. However, we may briefly refer to the material which according to the petitioner is not considered by the Caste Scrutiny Committee. The petitioner invites our attention to the document at serial 2 in the chart which appears at paragraph 4 of the order impugned. The document dated 01.08.1917 pertains to Ukarda Kisanji who according to the petitioner is his grand-father. We find that the said document is duly verified by the Vigilance Cell. We further find substance in the submission of the learned counsel for the petitioner that there is no reference whatsoever to the said document in the order impugned.

The learned counsel further submits that the observation in the order impugned that the detailed genealogical tree is not disclosed is contrary to record. This submission is also *prima facie* consistent with the record.

5. We are satisfied that the Caste Scrutiny Committee has erred in not giving due consideration to the relevant material and further in proceeding on certain assumptions which *prima facie* appear to be consistent with the record. We therefore, set aside the order impugned and direct the Caste Scrutiny Committee to take a fresh decision, after hearing the petitioner, and in accordance with law.

6. The interim order dated 10.08.2022 shall continue to operate till the caste claim of the petitioner is decided by the Caste Scrutiny Committee, and for a further period of six weeks if the decision of the Caste Scrutiny Committee is adverse to the petitioner.

7. Needless to observe that all contentions are left open. The petition is disposed of.

(Y. G. KHOBRAGADE, J.)

(ROHIT B. DEO, J.)