

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

CIVIL APPLICATION (W) NO.1522 OF 2023

IN

WRIT PETITION NO.919 OF 2020

[District Caste Certificate Scrutiny Committee and Anr. ..V/s.. Ku. Priyanka
D/o Nagesh Erla]

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

Court's or Judge's order

Ms N. P. Mehta, AGP for Petitioner No.1.

CORAM : **URMILA JOSHI-PHALKE, J.**

DATE : **19th MAY, 2023.**

. This application is filed for seeking extension of time of three months for deciding the caste claim of the petitioner Priyanka Nagesh Erla.

2. As per the contention of the present petitioner, the original petitioner Priyanka Nagesh Erla had filed the writ petition before this Court bearing No.919 of 2020 seeking quashing and setting aside of the order dated 29.07.2019. The matter was decided and this Court has set aside the order passed by the Scrutiny Committee dated 29.07.2019 and directed the Scrutiny Committee to reexamine the petitioner's claim after granting opportunity and putting the petitioner on notice before cancelling her caste certificate and the decision shall be taken within a period of six months from the date of her appearance.

3. It is submitted by the applicant - original respondent that the Committee forwarded the petitioner's documents for fresh detail vigilance enquiry. On 25.11.2022, the vigilance report was handed over to the Scrutiny Committee, called the original

petitioner for filing reply to the vigilance report. After issuance of several notices, the original petitioner failed to appear. Finally on 08.12.2022, the original petitioner and her father appeared before the Committee and requested the Committee for granting fifteen days time to submit the documentary evidence for proving her caste claim. The Committee again forwarded the letters dated 12.01.2023 and 09.02.2023 directing the original petitioner to appear for hearing, but the original petitioner did not appear on the date mentioned nor forwarded any reason for absence.

4. It is further submitted that the original petitioner's father appeared before the Committee on 09.03.2023 and again requested for time. In view of the principle of natural justice, the Committee has granted time to produce documentary evidence before the Committee on 13.03.2023. The original petitioner appeared before the Committee on 27.03.2023 and produced her document in the name of Kondya Lasmaya Assessment List for the year 1950 of Chandrapur Municipal Corporation and also filed reply to the vigilance report. Thereafter, the original petitioner appeared before the Committee on 12.04.2023 and submitted service book in the name of 'Rajayya Kondayya' in which the address mentioned is 'Yenappali' which is situated in the State of Andhra Pradesh. As per the opinion of the Caste Scrutiny Committee, the documents submitted are fabricated, and therefore, the Committee is forwarding the documents to the vigilance cell for further enquiry.

5. In the above facts and circumstances, the original respondent - present petitioner requested for three months time extension to decide the caste claim. The application is supported

by the various notices issued to the original petitioner which shows that for her appearance several notices are issued, but it was the petitioner who has not appeared before the Committee in time and not produced the documentary evidence. Therefore, the Scrutiny Committee could not decide the application. Now, in view of the change in circumstances that new documents are produced before the Committee, the Committee is under obligation to scrutinize the said documents before deciding the caste claim of the original petitioner.

6. In view of the above reasons, the three months time is extended to decide the caste claim of the original petitioner Priyanka Nagesh Erla.

7. The civil application is disposed of accordingly.

JUDGE