

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

**WRIT PETITION NO.3460/2022**

Anil Baliram Mantri

Vs.

State of Maharashtra through its Secretary, Tribal Development Department, Mantralaya,  
Mumbai and others

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

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Court's or Judge's orders

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Shri R.K. Mandedkar, Advocate for the petitioner  
Shri M.K. Pathan, AGP for respondents

**CORAM : ROHIT B. DEO AND Y.G. KHOBRADE, JJ..**

**DATE : 30/01/2023**

The limited grievance of the petitioner is that the order dated 09/09/2021 which is rendered by respondent-2 Scrutiny Committee, Amravati whereby the caste claim is invalidated, is without affording an opportunity of hearing, and is otherwise in breach of the principles of natural justice.

2. Having perused the material on record, we are satisfied that the petitioner is condemned unheard.

3. The order impugned relies on communication dated 20/12/2020 purportedly addressed by the clerk In-charge of the copying section of the establishment of the Tahsil Office, Akola, to the police inspector of the vigilance cell. The letter states that in order to verify

the certificate dated 22/02/1985 which according to the petitioner is received by the competent authority, the register was searched, and was not found available.

4. The learned Counsel for petitioner would emphasize that the letter received from the copying section cannot lead to the inference that the certificate which the petitioner produced, and which the Caste Scrutiny Committee was expected to verify, was not issued at all. Rather, what is missing or not found is the register, presumably of the concerned period.

5. Be that as it may, we find that before passing the order impugned and recording of the finding that the certificate dated 22/02/1985 is false and fabricated, no notice was issued to the petitioner. The petitioner was not called upon to respond to the communication addressed by the clerk-In-charge of the copying section from the concerned Tahsil office, on the basis of which letter, the entire action is founded.

6. In all fairness to the learned AGP Shri Pathan, we may note that there is no serious opposition to the submission that the matter must be remanded to the Caste Scrutiny Committee for disposal in accordance with law.

7. We quash and set aside the order impugned

dated 09/09/2021 and remand the matter to the respondent-2 Committee for fresh decision, after hearing the petitioner, and in accordance with law.

8. We further direct that till the Caste Scrutiny Committee decides the caste claim, and if the decision is adverse to the petitioner, for four weeks after the decision is communicated, the interim order dated 22/07/2022 shall continue to operate. The petition stands disposed of.

(JUDGE)

(JUDGE)

R.S. Sahare