

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

WRIT PETITION NO.3720 OF 2022

Khushi D/o Vishal Dehliwale,
Aged about 18 years,
Occupation-Student,
R/o. Shree Sai, Plot No.5,
Vardhaman Nagar, Kolkhed,
District-Akola.

.. Petitioner

.. Versus ..

The District Caste Certificate
Scrutiny Committee, through its
Member Secretary and Deputy
Director, Administration Building,
2nd Floor, Akola.

.. Respondent

.....

Mr. Ashwin Deshpande, Advocate for the petitioner,
Mrs. Ketki Joshi, Additional Government Pleader for the
respondent.

.....

CORAM : ROHIT B. DEO AND M.W. CHANDWANI, JJ.
DATED : 19th JUNE, 2023.

ORAL JUDGMENT (Per : Rohit B. Deo, J.)

Rule. Rule made returnable forthwith. Heard the learned
counsel for the parties.

2. The petitioner is assailing the order dated 16.06.2022 rendered by the respondent-Caste Scrutiny Committee, whereby the 'Ahir' Nomadic Tribe certificate, which is secured by the petitioner, is invalidated.

3. Grounds 'C' and 'D' of the petition read thus :

(C)The Petitioner submits that the copy of the Police Vigilance Report was not provided to the Petitioner and neither did she receive any letter from the said Committee to appear for hearing. The Petitioner was not provided with an opportunity to reply on the findings of the Police Vigilance Report and neither was the petitioner awarded an opportunity of hearing. It is incorrectly recorded in the impugned order that the Petitioner's father appeared before the committee and accepted the Police Vigilance Report. The Principles of Natural Justice were not followed by the said Committee before passing the impugned order. Therefore, the impugned order needs to be quashed and set aside.

(D) It is further submitted that as per the Rule 12 of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003, which provides for the procedure to be

followed by the Scrutiny Committee while deciding the claim, the Scrutiny Committee has to issue a show cause notice to the applicant and also serve a copy of the report of the Vigilance Officer. The said Committee, has ignored the Rule 12 and proceeded without giving a show cause notice to the Petitioner and neither has the said Committee supplied a copy of the Police Vigilance Report to the Petitioner. This action on part of the said Committee is perverse and illegal, hence, the impugned order passed by the said Committee needs to be quashed and set aside.

4. Considering the grounds (supra), we issued notice on 13.07.2022 and directed that the record be kept available.
5. The record is kept available.
6. We have scrutinized the record.
7. It is clear that the copy of the vigilance cell report was not supplied to the petitioner during the course of the hearing. It is only, after the passing of the order that the copy of the vigilance cell report is supplied and that too since the petitioner made a specific demand.

8. Considering the breach of the statutory provisions, we have no option but to quash and set aside the order impugned which we order.

9. The matter is remitted to respondent–Caste Scrutiny Committee for fresh decision after giving opportunity to the petitioner to respond to the vigilance cell report.

10. After giving such opportunity and hearing the petitioner, fresh order shall be passed within next four weeks.

11. The petitioner shall appear before the respondent-Caste Scrutiny Committee on **26th June, 2023.**

12. Petition is disposed of.

[M.W. CHANDWANI, J.]

[ROHIT B. DEO, J.]

Gulande