

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

WRIT PETITION NO.4474 OF 2019

Arundhati w/o Arvind Amparwar
Sinhgad Road, Pune

... Petitioner

-vs-

Joint commissioner & Vice Chairman,
Scheduled Tribe Caste Certificate Scrutiny
committee, Adiwasi Vikas Bhvan, Giripeth,
Nagpur
And Anr.

... Respondents

Shri S. S. Shingane, Advocate for petitioner.

Shri A. S. Fulzele, Additional Government Pleader for respondents.

CORAM : A. S. CHANDURKAR AND MRS VRUSHALI V. JOSHI, JJ.

DATE : January 02, 2023

P.C.

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

The petitioner claims to belong to 'Halba' (Scheduled Tribe). She seeks to rely upon caste certificate dated 12/07/1982 that has been issued by the Executive Magistrate, Nagpur. On 02/09/2018 the petitioner sought verification of her tribe-claim by moving an application On-line. By the communication dated 01/11/2018 the petitioner was informed after On-line scrutiny that her application was rejected for the reason that the caste certificate uploaded was not as per Form-C. Being aggrieved the petitioner has challenged the aforesaid communication.

2. The learned counsel for the petitioner submits that a similar issue was considered and decided by this Court in Writ Petition No.3676/2019 (*Vijay Maroti Moundekar vs. Joint Commissioner and Vice-Chairman, Scheduled Tribe Caste Certificate Scrutiny Committee, Adiwasi Vikas Bhavan, Giripeth, Nagpur and anr.*) on 04/06/2019 wherein it was held that verification of such caste-certificate cannot be refused only on the ground that it has been issued by the Executive Magistrate.

3. The learned Additional Government Pleader seeks to rely upon the affidavit filed on behalf of the respondent No.1 to support the impugned communication.

4. We however find that this Court in the decision referred to above has clearly held that the claim for verification cannot be refused only on the ground that the certificate produced has been issued by the Executive Magistrate and not by the Sub-Divisional Officer as required under Form-C. We therefore find that refusal to verify the caste-certificate is not in consonance with the aforesaid decision.

5. Hence in the light of the order passed in Writ Petition

No.3676/2019 referred above, the impugned communication dated 01/11/2018 is set aside. The petitioner shall make a fresh application through On-line process for seeking verification of her caste certificate. On receipt of that application the respondent No.1 shall verify the petitioner's caste certificate dated 12/07/1982 in accordance with law. Needless to state that till such adjudication is completed, the services of the petitioner shall remain protected and such protection shall be subject to outcome of the aforesaid adjudication.

Rule is disposed of in aforesaid terms with no order as to costs.

(Mrs Vrushali V. Joshi, J.)

(A. S. Chandurkar, J.)