

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

WRIT PETITION NO. 3341 OF 2022

Miss Kirti D/o. Gopichand Chhura,
Aged about 20 years, Occu : Student,
R/o. Yadav Chowk, Krushnapura Ward,
Gondia (M.S.) 441601.

...PETITIONER

...VERSUS...

1. State of Maharashtra,
Through Collector, Gondia,
Collectorate Administrative Building,
Amgaon Rd., Fulchur Tola, Gondia,
Maharashtra – 441601.
2. Caste Scrutiny Committee, Gondia
thr. its member,
Behind Collector Office,
Social Justice Building,
Gondia.

...RESPONDENTS

Ms Anushree Pande, Advocate with Mr. P D. Sharma, Advocate for
Petitioner.

Ms K. S. Joshi, Additional Government Pleader for Respondent 1/ State.

CORAM: **ROHIT B. DEO AND MRS. VRUSHALI V. JOSHI, JJ.**

DATE: **25.04.2023**

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

1. Heard. **Rule.** Rule made returnable forthwith by
consent of the learned counsel for the parties.

2. The challenge is to the order dated 09.10.2018 rendered by the Caste Scrutiny Committee, Gondia (Scrutiny Committee) whereby and whereunder the claim of the petitioner of belonging to Ganda/Gandi which is included at Serial 21 in the Presidential Order, is rejected.

3. The petitioner is a student. The Educational Institution forwarded the verification proposal to the Scrutiny Committee on 29.07.2017.

4. The proposal for verification claim was accompanied by seven documents and genealogical or family tree on affidavit.

5. By the order impugned, which is extremely cryptic, the Scrutiny Committee has rejected the claim.

6. The order impugned is of 3 pages. Pages 1 and 2 are devoted to reference to the documents submitted except the last paragraph of page 2 which starts with the reference to the Vigilance Cell Enquiry and the last paragraph is titled as "The Decision of the Committee". What we noticed is that

except referring to the documents and the Vigilance Cell Enquiry, there is virtually no reason recorded by the Scrutiny Committee from which the rationale underlying the rejection could have been understood by us. The paragraph which is titled as “The Decision of the Committee” is only the conclusion. It is trite to observe that if reasons are not provided to link the material on record with the conclusion arrived at, the ultimate decision becomes vulnerable and the litigant is not assured that his case has been considered in accordance with law and fairly.

7. We note from the material on record that heavy reliance was placed on the birth date entry of the grandfather of the petitioner which is recorded with Nagar Parishad, Gondia. The birth entry states that the grandfather of the petitioner was born on 07.03.1948. The caste is recorded in the said entry as Ganda/Gandi. This document is ignored by the Scrutiny Committee for the purposes of consideration of the claim on the ground that the said document does not establish that the grandfather of the petitioner was residing in the State of Maharashtra before the relevant date.

8. We are consciously refraining from making observations on certain other aspects of the matter inasmuch as we do not want to prejudice the Scrutiny Committee, and we expect the Scrutiny Committee to consider every relevant material and then to come at an informed decision in accordance with law, and needless to observe after giving further opportunity to the petitioner to place on record additional material if the petitioner so deems fit, and after hearing the petitioner.

9. We quash and set aside the order impugned.

10. We remit the matter to the Scrutiny Committee for fresh decision, and in accordance with law, consistent with the observations supra.

11. The petition is partly allowed in the aforestated terms.

12. We direct the petitioner to appear before the Scrutiny Committee, personally or through her representative, on 08.06.2023. No separate notice shall be

required. We request the Scrutiny Committee to pass fresh order within 4 months from the date of appearance of the petitioner before it.

13. Rule accordingly. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)

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