



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

Writ Petition No.5052/2023

Ramesh Babanrao Wankhade,
Aged 67 years, Occ.-Retired,
R/-Sunderkhed, Chatrapati Nagar,
Chikhli Road, Buldhana, District Buldhana.

.... Petitioner.

Versus

1. State of Maharashtra
through its Secretary,
Department of Social Justice and Empowerment,
Mantralaya, Mumbai.
2. Scheduled Tribe Certificate Scrutiny Committee,
Amravati Division Amravati, through its Chairman.
Office : Near Govt. Guest House, Sana House,
Old Bypass road, Chaprashipura, Amravati.
3. Principal, Bharat Uccha Madhyamik Vidyalaya, Buldhana,
Buldhana. Respondents.

Mr. P.S. Khubalkar, Advocate for the petitioner.
Mr. Joshi, AGP for the respondents.

CORAM : A.S. Chandurkar & Abhay J. Mantri, JJ
DATE : 03-11-2023.

Oral Judgment (Per A.S. Chandurkar, J.)

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

2. The petitioner is aggrieved by the order dated
07-07-2023 passed by the Scrutiny Committee confiscating the

tribe certificates dated 17-06-1978 and 14-03-1983 issued to the petitioner of belonging to 'Thakur (Scheduled Tribe)'.

3. On hearing the learned Counsel for the parties, we find that the reason assigned by the Scrutiny Committee for confiscating the aforesaid certificates is the communication dated 31-07-2023 issued by the respondent no.3, where the petitioner was serving. In the said communication it was stated that as the services of the petitioner were placed on an unreserved post the petitioner was no longer in need of any validity certificate and hence the proceedings could be closed. The consent of the petitioner was not obtained prior to issuance of this communication. We find from the record that the petitioner's son has been issued validity certificate by virtue of a detailed order passed by the Scrutiny Committee on 06-06-2023. It was therefore unjustified on the part of the Committee to have confiscated the tribe certificates without verifying the same. Since the aforesaid proceedings have been closed on the say of the respondent no.3 and without hearing the petitioner, the impugned order is not sustainable. As the petitioner desires to

pursue the claim for grant of validity, we are inclined to remand the proceedings to the Scrutiny Committee for fresh consideration.

4. Accordingly, the order dated 07-07-2023 passed by the Scrutiny Committee is set aside. The Scrutiny Committee shall verify the tribe certificates of the petitioner in accordance with the law after giving him an opportunity. To enable consideration of such claim, the petitioner shall appear before the Scrutiny Committee on 01-12-2023. The Committee shall take into consideration its order dated 06-06-2023 passed in the case of the petitioner's son along with all the other relevant material. The claim of the petitioner be decided within a period of four months from his appearance before the Scrutiny Committee.

5. Rule is made absolute in aforesaid terms with no order as to costs.

(Judge)

(Judge)