

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

WRIT PETITION NO.7987 OF 2022

(Kumari Sayali Sanjeev Gokhale, Minor, hence through her father Shri Sanjeev
Krishnarao Gokhale Vs. Scheduled Tribe Certificate Scrutiny Committee, Nagpur thr.
its Vice Chairman, Nagpur)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Anil A. Dhawas, Advocate for Petitioner.
Mrs. K. R. Deshpande, AGP for Respondent/State.

CORAM: ROHIT B. DEO AND Y. G. KHOBRAGADE, JJ.
DATE: 12th JANUARY, 2023.

The challenge in the petition is to the refusal of the respondent – Caste Scrutiny Committee to verify the caste of petitioner 1 on the premise that the petitioner 1 is a minor.

2. The Coordinate Bench has already taken a view vide judgment dated 09.07.2020 in Writ Petition 1472/2020 that it is not open for the Caste Scrutiny Committee to refuse to entertain an application for verification of caste on the premise that no immediate need is demonstrated.

3. Even on an independent consideration, we find that there is no statutory provision or precedential law which empowers the Caste Scrutiny Committee to refuse verification of the caste/Tribe claim, particularly if the purpose is broadly indicated.

4. We, therefore, quash and set aside the decision impugned and allow the petition in terms of prayer clause (1) which reads thus:

1. To issue writ, direction or order to the respondent – the Joint Commissioner and Vice Chairman, Scheduled Tribe Certificate Scrutiny Committee, Nagpur to accept the papers of Caste certificate belonging to Halba Scheduled Tribe for verification and issuance of validity certificate as per the provisions in Act and Rules.

(Y. G. KHOBRAGADE, J.)

(ROHIT B. DEO, J.)

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