

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

WRIT PETITION NO. 5149 OF 2018

Sau. Ujwala D/o Sudhakar Rao Raikwar,
Aged about : 43 Years, Occ. Service,
R/o. 1703/1704 Drewberry Everest
World, Opp. Bayer India, Kolshet Road,
Thane(West) 400607.

.....**PETITIONER**

...V E R S U S...

(1) The Schedule Tribe Caste
Certificate Scrutiny Committee,
through its Member Secretary and
Deputy Director, Sanna Building,
Chaprashipura, Amravati-444 602.

(2) State of Maharashtra,
Through its Principal Secretary,
Tribal Development Department,
Mantralaya, Extension, Madam
Cama Road, Mumbai-32.

(3) The Principal, Balkrushna Naik
Bandodkar Science College,
Thane, Dnyanadweep, Chedani,
Thane-400 601.

.....**RESPONDENTS**

Mr. Ashwin Deshpande, Advocate for the petitioner
Mr. M. K. Pathan, AGP for respondents 1 and 2

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

DATE : 12-04-2023

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

Rule. Rule made returnable forthwith. Heard finally with consent of the learned counsel appearing for the parties.

2. Challenge is to the order dated 7-6-2018 rendered by respondent 1 - scrutiny committee whereby the caste certificate issued by the Sub Divisional Officer, Achalpur dated 7-6-2004 is held not to be in proper form, and keeping the contentions open, the verification proceedings are closed. The caste certificate which the petitioner submitted for verification is cancelled by the scrutiny committee.

3. We are not required to delve deeper in the merits in as much as the scrutiny committee has not touched the merits of the matter. The scrutiny committee has found that the certificate issued by the Sub Divisional Officer is not in proper form and moreover, the prescribed procedure was not followed by the Sub Divisional Officer.

4. In this situation, we dispose of the petition by directing the petitioner to apply for, and obtain, fresh caste certificate from the appropriate authority.

5. If an application is preferred by the petitioner before the appropriate authority for issuance of caste certificate, the same shall be decided on its merits within four weeks from the date of submission of the application.

6. If caste certificate is received by the petitioner, the same shall be submitted before the scrutiny committee for verification within two weeks from the date of its receipt and shall be verified by the scrutiny committee within the next twelve weeks.

7. We continue the order of status quo for the next sixteen weeks.

8. We record the undertaking of the petitioner that she shall approach the competent authority and apply for fresh caste certificate within the timeline of two weeks and if the certificate

is received, shall approach the caste scrutiny committee within the period stipulated, failing which the interim order shall come to an end.

9. The petition is disposed of in the aforestated terms.

(Mrs. Vrushali V. Joshi, J.)

(Rohit B. Deo, J.)

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