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

Writ Petition 7940 of 2022

Ku. Aishwarya Sanjeev Gokhale
vs.
Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur

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

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Mr. A.A. Dhawas, Advocate for the Petitioner.
Mr. M.K. Pathan, A.G.P. for the Respondent sole.

CORAM : ROHIT B. DEO AND Y.G. KHOBRAGADE, JJ.
DATE : 1st FEBRUARY, 2023.

The challenge in the petition is to the refusal of the respondent – Caste Scrutiny Committee to verify the caste of petitioner.

02] 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.

03] 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.

04] 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 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 and Rules framed thereunder.

JUDGE JUDGE

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Signed by:SANDESH DAULATRAO WAGHMARE
Private Secretary to the Hon'ble Judge
Date :18.02.2023 11:21