

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6307 OF 2024

Harshit Sanjay Vadher, minor through
His Father and Natural Guardian,
Sanjay Natvarlal Vadher ... Petitioner

versus

State of Maharashtra and Others ... Respondents

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Mr.C.K.Bhangoji for the Petitioner.
Mr.V.M.Mali, AGP for the Respondent -State.

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**CORAM : NITIN JAMDAR AND
M.M.SATHAYE, JJ.**

DATE : 8 MAY 2024

P.C. :

. The Petitioner has challenged the order dated 22 September 2023 passed by Respondent No. 2- the Scrutiny Committee disposing the caste claim of the Petitioner based on the certificate issued to the Petitioner by the Sub Divisional Officer, Vasai, District Palghar on 14 October 2020. Respondent No.2- the Scrutiny Committee has held that the caste certificate issued by the Sub Divisional Officer, Vasai is not valid having been issued by the Sub Divisional Officer, who had no jurisdiction, since the ordinary residence of the Petitioner and his ancestors is not within Palghar District.

2. The Petitioner has placed documents pertaining to the Petitioner himself, his father and grandfather. Respondent No.2- the Scrutiny Committee in its order of thirteen paragraphs has only discussed the Government Resolutions and 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 Rules, 2012 which state that the enquiry should be made regarding ordinary residence of the applicant before issuance of the caste certificate.

3. The learned Counsel for the Petitioner states that none of these propositions can be disputed, but the question of fact is whether the Petitioner and his ancestors are ordinary residence of the area or not. We note that on this aspect there is no discussion at all and only in two sentences Respondent No.2- the Scrutiny Committee draws conclusion that the Petitioner and the Petitioner's ancestors were not ordinarily residence of Palghar District as of 10 August 1950. The approach of Respondent No.2- the Scrutiny Committee is entirely perverse and casual. The impugned order is bereft of any reasoning. Accordingly, the impugned order dated 22 September 2023 passed by Respondent No.2- the Scrutiny Committee is quashed and set aside. Claim of the Petitioner stands restored to the file of Respondent No.2- the Scrutiny Committee. Respondent No.2- the Scrutiny Committee will examine the evidence produced by the

Petitioner and will also direct the Vigilance Cell enquiry be conducted. After receiving report and the documents produced by the Petitioner, Respondent No.2- the Scrutiny Committee will determine whether the Petitioner and his ancestors are ordinary residence of Palghar District as on the deemed date and if yes, then proceed to examine the caste claim on merits.

4. As regards merits of both the questions, that is, on ordinary residence and the caste claim, we make no observations. The same will be decided by Respondent No.2- the Scrutiny Committee as per the record.

5. Writ petition is accordingly disposed of in above terms.

6. Since the Petitioner has to approach this Court in view of entirely unreasoned order passed by Respondent No.2- the Scrutiny Committee, we direct Respondent No.2- the Scrutiny Committee to dispose of the proceedings on remand within a period of three months from today.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)