



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

Writ Petition No.278/2018

(Ms Seema V the District Caste Certificate Scrutiny Committee, Akola and another)

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

Court's or Judge's orders

Mr. P.D. Meghe, Advocate for petitioner.

Mr. Sanket Bhalerao, Advocate h/f Mr. A.R. Deshpande, Advocate for respondent no.2.

Ms. N.P. Mehta, Addl. GP for respondent no.1.

CORAM : Nitin W. Sambre & Abhay J. Mantri, JJ

DATE : 08-02-2024.

The petitioner, at the relevant time, was taking education in Bharat Vidyalaya. Such admission since was against a seat reserved for Scheduled Caste category candidate, based on a Caste Certificate dated 20-04-2015, such time the petitioner belongs to 'Kori' caste, which is a Scheduled Caste. The claim was referred to the Scrutiny Committee for verification.

2. The Scrutiny Committee having noticed that the documents are not substantiating the claim of the petitioner as that of belonging to Kori (Scheduled Caste), referred the matter to the Vigilance Cell. The Vigilance Cell thereafter called information which was served on the petitioner. The petitioner thereafter accepted the Vigilance Cell report and as such the

Committee negated the claim of the petitioner vide impugned order dated 21-11-2017.

3. The contentions of learned Counsel for the petitioner are that even if there are conflicting entries, the least that was expected of the respondent- Committee is to consider the claim of petitioner as that of belonging to 'Kori' Scheduled Caste by applying the affinity test also, which the Committee has failed to consider the same.

4. As against above, the Additional Government Pleader would urge that once the petitioner has accepted the Vigilance Cell report as it is, what has been stated in the Vigilance Cell report automatically stood accepted without there being any resistance and that being so the Committee is justified in rejecting the claim. According to her, once the documents are not establishing the claim, the Committee rightly rejected the claim.

5. The fact remains that even if the Committee has looked into the documents, but vide a cryptic order without applying affinity test has rejected the claim of the petitioner which cannot be said to be sustainable.

6. That being so, we set aside the impugned order dated 21-11-2017 and permit the petitioner to appear before the Scrutiny Committee on 26-02-2024. No fresh notice shall be served on the petitioner for appearance before the Scrutiny Committee.

7. The Committee shall make an endeavor to decide the caste claim of the petitioner within a period of six months thereafter.

8. Petition stands disposed of. No costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)