



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

WRIT PETITION NO. 1459 OF 2018

Anandkumar s/o Ramdayal Manjute,
Aged about 29 years, Occ. - Service,
R/o Mahalgaon, Po. Murdada,
Tq. and District Gondia.

.... PETITIONER

VERSUS

- 1) The Scheduled Tribe Caste Certificate
Scrutiny Committee, through its
Member Secretary, Adivasi Bhavan,
Giripeth, Nagpur.
- 2) The State of Maharashtra,
through the Sub-Divisional Officer,
Gondia, Tq. & District Gondia.
- 3) The Executive Engineer,
Maharashtra State Electricity
Distribution Company Limited,
Old Power House, Ramnagar, Gondia,
Tq. and District Gondia.

.... RESPONDENTS

Mr. V.U. Waghmare, Counsel for the petitioner,
Mr. A.M. Kadukar, A.G.P for respondent Nos.1 and 2,
Mr. A.D. Mohgaonkar, Counsel for respondent No.3.

CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.
DATED : 30th AUGUST, 2024

ORAL JUDGMENT : (Per : Abhay J. Mantri, J.)

Rule. Rule is made returnable forthwith by consent of the
learned Counsel appearing for the parties.

2. By this petition, the petitioner challenges the action of respondent No.1-The Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur (for short, "*the Committee*"), in not accepting (rejecting) the caste claim application of the petitioner for verification on the ground that the caste certificate was not submitted in Form-C appended to the Maharashtra Scheduled Tribe Certificate Rules, 2003.

3. The petitioner claims that he belongs to the '*Thakur*' Scheduled Tribe. Accordingly, on 19-10-2006, the Sub-Divisional Officer, Gondia, issued a Caste Certificate in his favour. On 31-01-2015, he was appointed as an 'Assistant Electrician' in the Maharashtra State Electricity Distribution Company Ltd., Amravati, from the Scheduled Tribe category. Then, he was transferred to Gondia.

4. On 20-01-2018, the petitioner submitted his caste certificate along with the documents to the Committee to verify his caste claim and grant a validity certificate. Vide communication dated 14-02-2018, respondent No.1 refuses to accept the petitioner's application as the caste certificate dated 19-10-2006 issued by respondent No.2 is not in Form-C. The reasons recorded for not accepting the caste claim of the petitioner are not just and proper. It also appears that after the non-acceptance of the petitioner's caste

verification application, he again applied to respondent No.2 for issuance of the caste certificate in Form-C. However, respondent No.2 refused to issue the caste certificate on the ground that the petitioner failed to satisfy the affinity test and failed to demonstrate that he resides in the area mentioned in the Presidential Order. Hence, this petition.

5. Mr. V.U. Waghmare, learned Counsel appearing for the petitioner, has vehemently submitted that the petitioner was not at fault in submitting the caste certificate to the Committee, but respondent No.2 was at fault in not issuing the caste certificate in prescribed Form-C. Therefore, the non-acceptance of the caste verification application by respondent No.1-Committee is illegal. To substantiate his contentions, he has relied upon the orders/judgment passed by this Court in *Writ Petition No.2216/2016 (Shreya Sudhakar Gathe v. The Scheduled Tribes Caste Certificate Scrutiny Committee, Amravati and Others)*; *W. P. No.7817/2017 (Aparna d/o Sunil Khare v. The State of Maharashtra & another)* with connected matters; and *W. P. No.1883/2017 (Namdeo Baburao Ingle v. State of Maharashtra and others)*; and *W. P. No.663/2014 (Divya Arjun Ingale v. State of Maharashtra and others)*. Hence, he urged that the Committee be directed to accept the caste claim of the petitioner and decide it in accordance with the law.

6. Mr. A.M. Kadukar, learned Assistant Government Pleader for respondents Nos.1 and 2, and Mr. A.D. Mohgaonkar, learned Counsel for respondent No.3, have argued that, as per the rules, the caste certificate must be submitted in Form-C, and the Committee's non-acceptance of the same is just and proper. Hence, they urged for the dismissal of the petition.

7. We have appreciated the rival contentions of the parties and perused the impugned communication and record.

8. It appears that by order dated 12-03-2018, this court has granted the *status quo* to the petitioner's employment, which has continued till this date.

9. It reveals that on 19-10-2006, the Sub-Divisional Officer, Gondia, had issued a caste certificate in favour of the petitioner that he belongs to the '*Thakur*' Scheduled Tribe. Based on the said caste certificate, he was appointed as Assistant Electrician. The said caste certificate is neither cancelled nor forfeited; hence, the same remains as it is. It is pertinent to note that it was the duty of the competent authority to issue the certificate in Form-C. Thus, it seems that the petitioner was not at fault for submitting the certificate. On the

contrary, it appears that the competent authority was at fault while issuing the said certificate. Therefore, non-acceptance/rejection of the caste verification application by respondent No.1-Committee seems to be the higher technical approach.

10. It is further apparent that the passing of the order on 15-02-2018 by the Sub-Divisional Officer, Gondia, appears to be without jurisdiction. He has no authority to determine the claim of validity of the petitioner. *Moreover*, the first certificate, dated 19-10-2006, is neither cancelled nor forfeited, and the same exists. Therefore, it would not be necessary to direct the petitioner to obtain the second certificate in “Form-C” from the competent authority.

11. The said issue is squarely covered by the decisions in *Writ Petition No.2216/2016 and other writ petitions above-cited*. Hence, in view of the observations made in the aforesaid decisions, we deem it appropriate to quash and set aside the communication dated 14-02-2018 for not accepting the caste claim application of the petitioner for verification by respondent No.1-Committee.

12. Thus, considering the discussion above, we are of the opinion that the petitioner was not at fault for submitting the caste

certificate before the Committee, and the said certificate exists to this date. Consequently, we deem it appropriate to allow the petition as follows:

- (i) The impugned communication/order dated 14-02-2018 for not accepting the petitioner's application for verification of his caste claim is hereby quashed and set aside.
- (ii) Respondent No.1-Committee is directed to accept the caste claim application of the petitioner and decide the same in accordance with the law, as expeditiously as possible, and in any case, within six months from the date of appearance of the petitioner before it.
- (iii) The petitioner is directed to appear before the Committee on 23-09-2024.
- (iv) Needless to clarify, the interim order dated 12-03-2018 shall remain in force till the decision of respondent No.1-Committee and four weeks thereafter.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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