



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

WRIT PETITION NO.5641 OF 2024

Mahadeo S/o Kawaduji Kuttarmare,
Aged 67 years, Occupation – Agriculturist,
R/o At – Kosara, Post – Chinchmandal,
Tahsil Maregaon, District Yavatmal.

... **PETITIONER**

VERSUS

The Vice-Chairman/Member Secretary,
Scheduled Tribe Caste Certificate
Scrutiny Committee,
Chaprasipura, Amravati.

... **RESPONDENT**

Ms Preeti Rane, Counsel for Petitioner.
Shri Jaywant Ghurde, Assistant Government Pleader for Respondent.

CORAM : DEVENDRA KUMAR UPADHYAYA, C.J. AND
NITIN W. SAMBRE, J.

DATE : NOVEMBER 14, 2024

ORAL JUDGMENT (PER NITIN W. SAMBRE, J.) :

1. Rule. Shri Jaywant Ghurde, learned Assistant Government Pleader, waives notice of hearing for the respondent. Heard finally by consent of the learned counsel for the parties.
2. The petitioner belongs to 'Mana' Scheduled Tribe and holds a caste certificate dated November 29, 2004, which is subjected to scrutiny under 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 ('the Act of 2000').

3. Vide impugned order dated January 03, 2021, the respondent-Committee has rejected the claim for issuance of validity on the ground that the tenure of the petitioner on the elected post, which led to the reference being made to the Committee for verification, has expired.

4. Ms Preeti Rane, learned counsel appearing for the petitioner, has urged that the respondent-Committee is required to conduct itself in accordance with the Act of 2000 and the Rules framed thereunder. According to her, the claim for issuance of validity has to be decided by the respondent-Committee on merits and merely because the tenure of the elected post, which was occupied by the petitioner, has come to an end, the respondent-Committee cannot refuse or reject the claim for verification without examining the same on merits.

5. As against above, Shri Jaywant Ghurde, learned Assistant Government Pleader appearing for the respondent-Committee, submits that if so directed, the respondent-Committee shall pass an appropriate order in accordance with the Act of 2000 and the Rules framed thereunder.

6. We have considered the contentions canvassed by the counsel for the petitioner. Sub-rule (9) of Rule 12 of the Rules framed under the Act

of 2000, which deals with the procedure to be followed by the Caste Scrutiny Committee, reads thus :

“12. Procedure to be followed by Scrutiny Committee.

(9) (a) After personal hearing if the Scrutiny Committee is satisfied regarding the genuineness of the claim, Validity Certificate shall be issued in Form G.

(b) After personal hearing, if the Scrutiny Committee is not satisfied about the genuineness of the claim and correctness of the Scheduled Tribe Certificate, it shall pass an order of cancellation and of confiscation of the Certificate and communicate the same to the Competent Authority for taking necessary entries in the register and for further necessary action. The Scheduled Tribe Certificate shall then be stamped as “cancelled and confiscated”.

It can be noticed from the record that the respondent-Committee is vested with territorial jurisdiction to deal with the claim of the petitioner for grant of tribe validity.

7. The aforesaid Rule gives two options to the Committee, i.e. either to grant the claim for validity, if it is satisfied, or else reject the claim on merits by a reasoned order and pass a consequential order as provided in the above Rule.

8. In the case in hand, the claim for validity was referred to the Committee in view of the election of the petitioner to a public office. The petitioner has successfully completed the tenure. However, completion of

tenure to an elected office by itself does not confer power in the respondent-Committee to reject the claim without adjudicating the same on merits. The respondent-Committee while passing the order impugned has adopted procedure, which is not known to the law as prescribed under the Act of 2000 or the Rules framed thereunder.

9. In that view of the matter, the order impugned goes contrary to the provisions of Rule 12 of the Rules framed under the Act of 2000. That being so, the order impugned dated January 03, 2021 is hereby quashed and set aside. We permit the petitioner to appear before the respondent-Committee on December 16, 2024. We direct the respondent-Committee to decide the claim of the petitioner on merits, without being influenced by the present order, within a period of nine months from the date of appearance of the petitioner before it.

10. Rule is partly made absolute in the aforesaid terms. No costs.

(NITIN W. SAMBRE, J.)

(CHIEF JUSTICE)