



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

WRIT PETITION NO.5254 OF 2024

Ramdas Digambar Bhoyar ... Petitioner

- Versus -

Member/Secretary, District Caste
Certificate Scrutiny Committee,
District-Yavatmal and one ... Respondents

Mr. V.N. Patre, Advocate for the petitioner,
Mr. D.P. Thakre, Additional Govt. Pleader for respondent No.1.

CORAM : BHARATI DANGRE &
ABHAY J. MANTRI, JJ.

DATE : 24th September, 2024.

P.C. :

Heard the learned counsel for the parties.

2. The petitioner is aggrieved by the decision taken by the District Caste Certificate Scrutiny Committee, Yavatmal dated 29.05.2024 thereby rejecting the objection raised by the petitioner in respect of Ku. Ashatai Gangaram Dugane/Sau. Ashatai Ranjit Nalawade, belonging to Kunbi (Other Backward Class) and praying that the certificate granted in her favour on 10.7.2023 should be cancelled by reviewing its earlier decision.

3. The committee in its detailed order referred to the documents placed before it by the candidate Ku. Ashatai Gangaram Dugane and this includes various documents establishing her claim to be belonging to 'Kunbi' caste, on following the necessary procedure as prescribed in the The Maharashtra Schedule Caste, 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 2012, a certificate was bestowed upon her on 15.07.2021.

4. Being aggrieved by the grant of validity in her favour, the petitioner approached this Court by filing Writ Petition No.5896/2022, but on 15.06.2023, the learned counsel for the petitioner sought permission from the court to withdraw the petition and as a result, the court passed the following order :

*Mr. V.N. Patre, learned counsel for the
petitioner, seeks leave to withdraw the petition.
2. The petition is disposed of as withdrawn.*

5. Appreciating the grounds on which the review is sought, the committee arrived at a conclusion that there is no material change in the circumstances, as all the documents which were taken into consideration at the time when the validity was conferred upon her, the documents were specifically deliberated upon and on finding material that she belongs to caste Kunbi, the certificate was awarded to her.

6. The committee record yet another reason for not interfering the review petition, being that there is no power of review conferred on the committee, under the scheme of the enactment and, therefore, there can be no review of the decision taken by it conferring validity upon Ashatai Gangaram Dugane.

7. The counsel for the petitioner has placed reliance upon the decision of the Division Bench of this Court in the case of ***Vishnu Rajaram Thakar .vs. State of Maharashtra, through its Secretary, Tribal Development Department and another (Writ Petition No.647/2022) dated 9.3.2022***, where the Division Bench has clearly observed that though a quasi-judicial authority cannot review its own order unless the power of review is expressly conferred by the Statute upon it and that the power of review not being an inherent power, the principle of “finality of litigation” cannot be pressed to such an extent that it becomes an engine of fraud in the hands of dishonest litigants. Therefore, it was held that if there is any playing of fraud or suppression of material facts or misrepresentation of facts, the Scrutiny Committee can reconsider the order of validity passed by it earlier and upon consideration of merits, however, it shall be confined to the aspects of fraud, suppression or misrepresentation of facts.

8. Since none of the element exists in the present situation and once the petition filed being aggrieved by the issuance of the validity certificate in favour of Ku. Ashatai Gangaram Dugane/Sau. Ashatai Ranjit Nalawade, was withdrawn without reserving a liberty

to file a fresh petition, we do not find any legal infirmity in the order passed by the Caste Scrutiny Committee.

9. Since the power to review admittedly is not conferred on the authority and since the petitioner has failed to demonstrate anything fraud before the committee, the committee has rightly rejected the application, keeping intact the validity certificate issued in favour of Ku. Ashatai Gangaram Dugane/Sau. Ashatai Ranjit Nalawade as belonging to Kunbi (OBC).

10. The petition is dismissed.

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE, J.)