



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5044 of 2024

Ku. Komal Rajendra Gajbhe

... Petitioner

- Versus -

The Scheduled Tribe Certificate Scrutiny
Committee, Nagpur.

... Respondent

Mr. S.P.Khare, Advocate for petitioner.

Mr. H.D.Marathe, Assistant Government Pleader for respondent

CORAM : NITIN JAMDAR AND
NITIN W. SAMBRE, JJ.

DATE : 10 SEPTEMBER 2024

P.C. :

Heard learned counsel for the parties.

2. The grievance of the Petitioner, a student, is that the Petitioner requires caste validity certificate for admission in the reserved category, however, the Respondent-Scrutiny Committee is not deciding the claim of the Petitioner on merits.

3. The Petitioner had approached this Court with identical grievance by filing a Writ Petition bearing Writ Petition No.3177 of 2024 whereby the Scrutiny Committee was directed to decide the claim by 26 July 2024. The Scrutiny Committee by the impugned order dated 25 July 2024 has not decided the claim on merits and has disposed of the proceedings on the ground that there is no sufficient evidence produced by the Petitioner and the matter is kept open on merits.

4. Mr. Sapre, learned counsel for the Petitioner makes a grievance that in view of this approach of the Respondent-Scrutiny Committee, the Petitioner has lost an opportunity to take admission in the reserved category. He submits that Rule 12 of the Maharashtra Scheduled Tribes (Regulation of Issuance and verification of) Certificate Rules, 2003, provides for procedure for verification of caste claim, and there is no such concept of return of the claim by keeping the merits of the same open and decision has to be taken. The learned counsel for the Petitioner submits that all documents which the Petitioner has to produce have been produced and there was no reason as to why the decision on merits could not be taken. The learned counsel for the Petitioner submits that by the next week the Petitioner has to produce caste validity certificate which is the last date for closing of admission in all rounds.

5. Considering that this Court has already passed an order that the caste claim of the Petitioner be decided within time bound period and considering that an untenable approach is taken by the Scrutiny Committee and the Petitioner does not wish to produce any other documents, we direct the Respondent-Scrutiny Committee to take a decision as to the petitioner's case by 13 September 2024. We are aware that we have placed stringent time limit, but it is justified in view of the conduct of the Scrutiny Committee in this case.

6. Learned Assistant Government Pleader to communicate this order to the respondent-Scrutiny Committee.

7. The Petitioner will appear before the Scrutiny Committee on 12th September, 2024 for the said purpose.

8. With these directions, the writ petition stands disposed of. No order as to costs.

(NITIN W. SAMBRE, J.)

(NITIN JAMDAR, J.)

Andurkar.