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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

34 WRIT PETITION NO. 2366 OF 2025

VIKAS TARACHAND DEORE

VERSUS

1. STATE OF MAHARASHTRA THROUGH ITS SECRETARY, TRIBAL
DEVELOPMENT DEPARTMENT, MANTRALAYA, MUMBAI
2. SCHEDULED TRIBE CERTIFICATE SCRUTINY COMMITTEE,
NANDURBAR, THR. ITS MEMBER SECRETARY
3. ADARSH MADHYAMIK VIDYALAYA, NASHIK, THR. ITS
HEADMISTRESS
4. EXECUTIVE MAGISTRATE, CHALISGAON, TAL. CHALISGAON,
DIST. JALGAON

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Mr R. K. Mendadkar and Mr Vijay Gangalwad, Advocates for
petitioner

Ms P. J. Bharad, A.G.P. for respondent Nos.1 & 2

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 24th February, 2025

PER COURT:

1. We have heard both the sides finally.
2. The petitioner is challenging the order of respondent No.2/scrutiny committee whereby it has entertained a doubt about genuineness of the caste certificate and on this sole ground, his proposal has been turned down.
3. The learned advocate for the petitioner submits that the inference drawn by the respondent/scrutiny committee is perverse and

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arbitrary, in fact, it is based on the report of the vigilance officer. The committee independently did not undertake any scrutiny and simply toed the line of the vigilance officer. The learned advocate would also point out that plausible explanation was offered in response to the vigilance report, but there is not even a whisper in the order dealing with that. He submits that prescribed form in the year 1983 was as per Annexure-II and was used by the Executive Magistrate, Chalisgaon while issuing caste certificate (Exhibit 'D'). Form 'C' prescribed by Rules of 2003 has come into being subsequently and the committee has erred in expecting the caste certificate to be in Form 'C'. The learned advocate for the petitioner additionally informs us that the petitioner's real brother has been issued with a certificate of validity.

4. The learned A.G.P. submits that plausible reasons have been assigned by the committee for entertaining doubt about the genuineness of the certificate. She would submit that if at all the petitioner intends to have a certificate, he may apply again and seek its validation.

5. Learned advocate submits that the petitioner is ready to apply again for fresh certificate in the prescribed form based on the certificate of validity of his brother, however, the ad interim protection

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granted to him may be extended for a reasonable time to have a fresh certificate and for submitting a fresh claim.

6. Indeed, explanation assigned by the petitioner in response to the vigilance enquiry report has been clearly overlooked. It has not at all been considered, much less, in the proper perspective.

7. The circumstances which give rise to the doubt are based on the inference of the vigilance officer and the committee has not undertaken any independent scrutiny. Additionally, the committee accepts the fact that the application for certificate was moved by Tarachand Bhiwsan Thakur who is none other than petitioner's father. Since the certificate is issued in the year 1983 prior to the coming into force the Rules 2003, the committee has also erred in expecting the certificate to be in Form 'C'.

8. Considering the aforementioned state of affairs, since it is a matter of social status, when the explanation being offered by the petitioner does seem to be reasonable in the light of the fact that he claims to be aged 63 years and the caste certificate is issued in the year 1983, in our considered view, he was not a minor when his father

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submitted the application, pursuant to which, according to him, the caste certificate was issued.

9. Be that as it may, since this is not an adversarial litigation, we allow the writ petition partly. The impugned order is quashed and set aside. We permit the petitioner to apply again for a fresh caste certificate of 'Thakur' (44) scheduled tribe. The competent authority shall consider his application and issue him a fresh certificate in Form 'C' within one week. The petitioner shall thereafter submit the caste certificate for validation with the committee. The committee shall thereafter decide the proposal on its own merits within four weeks of petitioner's application.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)

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