



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5015 OF 2023

DHANRAJ RAMESH SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

...
Advocate for the Petitioner : Mr. Yeramwar Sushant C.
AGP for Respondents: Ms. R.P. Gour
...

CORAM : R.G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.

DATE : 02.12.2025

PER COURT:

1. Heard.
2. The petitioner claims to have belonging to 'Thakur' scheduled tribe. His tribe certificate was subjected to Scrutiny.
3. The scrutiny committee refused to invalidate the petitioner's tribe certificate. He is therefore before us.
4. The learned advocate for the petitioner would submit that on receipt of adverse vigilance cell report, he submitted certain documents along with his response thereto. The Scrutiny Committee did not offer him opportunity to adduce / produce those

documents in evidence. As such Rule 12(2) of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 and the rules framed thereunder are breached. He urged for remand of the matter to the scrutiny Committee for deciding the same afresh after granting the petitioner opportunity to meet the vigilance cell report.

5. Learned AGP would on the other hand submit that it has now become a practice that once the claim is turn down, the claimant come with certain documents and urged for remand the matter. The same is done only with a view to protect the service/employment. According to her such practice should be deprecated.

6. We have heard the submissions advanced by the learned AGP. The facts of this case however are other way round. It is the case wherein an adverse vigilance cell report was served to the petitioner. The petitioner was expected to respond thereto. The petitioner, therefore, placed before the scrutiny committee certain documents. The scrutiny committee admittedly did not take those documents into consideration. As such the petitioner has been

denied an opportunity to meet out the candidates. The adverse vigilance cell report necessarily be caused prejudice to the petitioner to make out his claim before the Scrutiny committee. According to the learned AGP the inquiry before the scrutiny committee be restricted in respect of the documents which were placed before it in response to the vigilance cell report. We do not accept to the said request since certain genuine documents could be discovered by the time petitioner goes back to the scrutiny committee to avail the opportunity to meet the vigilance cell report.

7. In view of the above, the petition partly Succeed. The impugned order dated 30.03.2023 is quashed and set aside.

8. The scrutiny committee shall offer the petitioner full opportunity to meet the vigilance cell report and then decide the matter afresh on its own merits within a period of three (3) months.

9. The writ petition is disposed of accordingly.

(ABASAHEB D. SHINDE, J.)

(R.G. AVACHAT, J.)