

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10913 OF 2019

Channayya Gurulingayya Swami .. Petitioner
Versus
The State of Maharashtra Through .. Respondents
District Caste Scrutiny Committee,
Solapur, and anr

...

Dr.Uday Warunjikar a/w A.S. Gaikwad i/b U.R. Agandhsurvey for
the petitioner.
Ms.Priyanka B Chavan, AGP, for the State.

CORAM: BHARATI DANGRE &
ASHWIN D. BHOBE, JJ.
DATED : 17th JANUARY, 2025

P.C:-

1. The learned AGP, has produced before us the record of the Divisional Caste Scrutiny Committee at Solapur, which has passed the impugned order on 3/06/2019, thereby rejecting the claim of the petitioner belonging to Beda Jangam (SC).

On the last date of hearing Mr. Warunjikar, representing the petitioner, had urged that the copy of the Vigilance Report was not furnished to him and that is why we had requested Ms.Priyanka Chavan, the learned AGP to produce the record before us.

2. We have perused the record and find that the vigilance report of the school and home inquiry was forwarded to the Scrutiny Committee on 15/06/2018, and in fact a copy of the same was also

furnished to the petitioner, but he sought six months time from the Committee, so as to afford him an opportunity to produce the relevant documents.

When he failed to do so, the Committee relied upon the Vigilance Cell Report, which had categorically recorded, that an home inquiry was conducted in respect of the candidate, and the inquiry was made with one Basavalingaya Gurumurti Matpati (Swami) and Siddhaya Shripathaiya Matpati (Swami), but they refused to acknowledge any acquaintance and further the home inquiry report also recorded that there is no person in the village, who was acquainted with the petitioner.

3. Mr. Warunjikar relying upon the said report would submit that the report of vigilance, which has conducted home inquiry is not supported by any such statement and when we confronted the learned AGP, with his objection, she would submit that no statement of any person in the locality is included in the Vigilance Inquiry Report.

Mr. Warunjikar has invited our attention to Rule 13 of The Maharashtra Scheduled Castes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012, which has set out the scope of the vigilance inquiry and it necessarily contemplate that the Vigilance Cell Officer shall submit the report, while visiting permanent place of residence and conducting the domestic inquiry, by recording statements of respected and responsible persons from the concerned area, including representatives of Local Self Government, Police

Patil, etc, or by collecting information, including the sociological, anthropological and ethological, and genetical traits of the Scheduled Caste, Scheduled Caste converts to Buddhism, De-notified Tribes, Nomadic Tribes, Other Backward Classes or Special Backward Category, if any; or by personally visiting the office of the Competent Authority or revenue or school or other concerned officers.

4. We find substance in submission of Mr. Warunjikar, that this exercise is not at all carried out by the Scrutiny Committee, which has perfunctorily rejected the claim of the petitioner relying upon an equally perfunctory Vigilance Report, which do not adhere to the Rules of 2012.

In light of the aforesaid, since we have noticed that the inquiry that is conducted in case of the petitioner do not confirm to the procedure that is prescribed in the Act of 2000, as well as the Rules of 2012, we deem it appropriate to quash and set aside the impugned order dated 3/06/2019, with a direction to the respondent committee to call for an appropriate Vigilance Report, which shall be in conformity with the Rules of 2012.

Pursuant to the said report being obtained, the same shall be furnished to the petitioner, who shall be afforded an opportunity to submit his say upon the same and only by taking into consideration the stand of the petitioner as well as the documents, which would be produced by him and pitching it against the material that is collected by the vigilance cell in the inquiry report, the Committee shall pass an appropriate order.

5. Since the petitioner was terminated on the basis of the

impugned order, we direct the Committee to undertake the aforesaid exercise within a period of six months from today.

With this direction the Writ Petition is disposed off.

(ASHWIN D. BHOBE, J)

(BHARATI DANGRE, J)