



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

WRIT PETITION NO. 2922 OF 2019

Jitendra S/o Eknath Dekate

..VS..

Joint Commissioner & Vice-Chairman, Scheduled Tribe Certificate Scrutiny
Committee, Amravati and two others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. R. Narnaware, Advocate for the petitioner.

Ms. H. N. Jaipurkar, AGP for the respondent No.1.

CORAM : SMT. M.S. JAWALKAR, AND
SHRI M.W. CHANDWANI, JJ.

DATED : 03rd NOVEMBER, 2025

1. Heard learned Counsel for the petitioner and learned Assistant Government Pleader for the respondent No.1. None for the respondent Nos.2 and 3 though served.

2. The only relief which is claimed by the petitioner is that direction be issued to the respondent No.3 – Principal, Amolakchand Mahavidyalaya, Umarsara, Yavatmal to refer the caste claim of the petitioner to respondent No.1 – Joint Commissioner & Vice-Chairman, Scheduled Tribe Certificate Scrutiny Committee, Amravati to decide the claim of the petitioner belonging to 'Halba' Scheduled Tribe.

3. The petitioner relied on the Judgment of *Sadique Hussain Sheikh Azim Qureshi Vs. Divisional Caste Certificate Scrutiny Committee, Nagpur & Ors.*, reported in

2010(6) Mh.L.J. 417, wherein this Court in para 10 observed as under :

“10. We are thus of the view that sub-section (3) of section 6 confers on the appointing authority a power coupled with a duty to make an application to the concerned Scrutiny Committee for validation of the caste certificate of a person selected for appointment where such a person has not obtained such a validity certificate. It is not open for the appointing authority to avoid the step of referring such a caste certificate for verification to the Scrutiny Committee and issue a show-cause notice for taking action against an employee on the basis that the candidate does not belong to a Scheduled Caste etc. howsoever justified the appointing authority may be in entertaining a doubt about the genuineness of a caste certificate.”

4. In view of this judgment, it is the duty of the employer to submit the proposal to the Caste Scrutiny Committee. Thus for non producing validity certificate, the services cannot be terminated of the employee.

5. In view of this position and provisions of law, the respondent No.3 - Principal, Amolakchand Mahavidyalaya, Umarsara, Yavatmal is hereby directed to submit the proposal to the Caste Scrutiny Committee, Amravati for verification within a period of three weeks from the date of receipt of this order.

6. The petitioner to communicate this order to the Respondent No. 3 - Principal, Amolakchand Mahavidyalaya, Umarsara, Yavatmal, as early as possible.

7. In view of this above direction, the Show-cause notice issued by respondent No.3 dated 01/04/2019, is hereby quashed and set aside.

8. The Writ Petition stands disposed of in the above directions. No order as to costs.

(M.W. CHANDWANI, J.)

(M.S. JAWALKAR, J.)

Kirtak