



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3092 OF 2021

PETITIONER :- Manjusha Prakash Athavale, aged about 42 years, Occ. Service, R/o Flat Bo. 603, Narendra Heights, Concrete Builders, Beside Narendra Nagar Flyover, Nagpur-440015.

..VERSUS..

RESPONDENTS :- 1) The State of Maharashtra, Through its Principal Secretary, Social Justice and Special Assistance Department, Mantralaya, Mumbai – 32.
2) The District Caste Certificate Scrutiny Committee, Nagpur, Through its Chairman, Dr. Babasaheb Ambedkar Samajik Nyaya Bhavan, 2nd Floor-B-Wing, In front of Govt. ITI, Deekshabhumi Road, Nagpur.
3) The Central Bank of India through its Regional Manager, Oriental Building, LIC Chowk, Kamptee Road, Nagpur.

Mr. Naquid Z. Mirza, a/w Mr. A.I. Sheikh, Adv. for Petitioner.
Ms Tajwar Khan, A.G.P. for the Respondent/State.
Mr. A.T. Purohit, Advocate for respondent No.3.

CORAM : **ANIL S. KILOR AND**
AJIT B. KADETHANKAR, JJ.

DATE : **20/08/2025**

ORAL JUDGMENT : (Per : Anil S. Kilor, J.)

1. Heard.

2. **Rule.** The Rule is made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.

3. The petitioner belongs to 'Mahar' Scheduled Caste. She was appointed as 'Agricultural Finance Officer in Junior Grade Scale-I' in Central Bank of India. Thereupon, her proposal for validity of her caste claim was forwarded to the respondent – Committee. The Committee referred the matter to the vigilance cell and on finding that, vigilance cell collected certain adverse documents, issued show cause notice to the petitioner dated 08.07.2021. On telephonic instruction the petitioner was asked to attend the office of the Committee, which he attended on 15.07.2021. On the same day the said notice came to be served on the petitioner. The impugned order came to be passed on the same day i.e. 15.07.2021 which speaks volume about non-compliance of the requirement for granting opportunity to the petitioner of being heard.

4. In the order, though it is stated that, the show cause notice was served upon the petitioner, there is no mention on which date it was served upon the petitioner. It is further noted that though the petitioner immediately after receiving the show cause notice, made an application for grant of time to reply the show cause notice and to engage lawyer, it appears that the same was not considered and on the same day, the order came to be passed.

5. Thus, it is apparent on the face of the record that, without hearing the petitioner and without giving her sufficient opportunity to submit her reply to the vigilance cell, the caste claim of the petitioner came to be invalidate arbitrary.

6. In the circumstances, we are of the opinion that, this is a fit case for the remand of the matter back to the respondent – Committee to decide the same afresh after giving sufficient opportunity to give reply to the report of vigilance cell and after hearing the petitioner. Accordingly, we pass the following order :-

- i) The writ petition is partly **allowed**.
- ii) The impugned order dated 15.07.2021 passed by the respondent No.2 – The District Caste Certificate Scrutiny Committee, Nagpur, is hereby quashed and set aside
- iii) The matter is remanded back to the Committee to decide the same afresh after hearing the petitioner and after giving sufficient opportunity to give reply to the vigilance cell report.
- iv) The petitioner shall appear before the Committee on **17.09.2025**.
- v) The Committee is directed to decide the caste claim of the petitioner within **four months** from the date of appearance of the petitioner.

Rule is made absolute in above terms. No costs.

(AJIT B. KADETHANKAR, J.)

(ANIL S. KILOR, J.)