IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION No.2242 OF 2026

Ganesh Hiralal Nikhare,
T-4, 1004, Lake View Apartment,
Sector 48, NIT Faridabad,
Dist: Faridabad, Haryana-121001 : PETITIONER

...VERSUS...

1. Scheduled Tribe Certificate Scrutiny Committee, Gondia
Through the Vice Chairman and Joint Commissioner, C/o, O/o District Collector,
2nd Floor, Block No. 214, Gondia-441 601.

2. Government of India,
Ministry of Commerce and Industry,
Department for Promotion of Industry and Internal Trade Udyog Bhavan,
New Delhi-110011
Through: The Under Secretary to Government of India. : RESPONDENTS

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Mr. A.S. Mardikar, Sernior Advocate, along with Mr. D.P. Singh, Advocate for Petitioner.
Mr. H.D. Futane, Assistant Government Pleader for Respondent No.1.
Mrs. Mugdha Chandurkar, Advocate for Respondent No.2.

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CORAM : SMT. M.S. JAWALKAR AND NANDESH S. DESHPANDE, JJ.
RESERVED ON : 27th APRIL, 2026.
PRONOUNCED ON : 05th MAY, 2026.

JUDGMENT : (Per : NANDESH S. DESHPANDE, J.)

1. Rule. Rule made returnable forthwith. Heard finally with the consent of parties.

2. The present petition challenges invalidation order dated 31.10.2025, in case ID : Comp/Ser/1/35/2023, passed by the respondent No.1 Scrutiny Committee, Gondia.

3. The facts, as can be stated from the petition, are as under :

That the petitioner belonging to Halbi Scheduled Tribe was issued a caste certificate on 28/10/1985 and he was appointed on 23/03/1989 as a Lower Division Clerk under the reserved vacancy for Scheduled Tribe, under the Ministry of Industry, Department of Industrial Development. On 30th June, 2024, the petitioner superannuated from service after a span of 33 years. The caste claim of the petitioner was sent to the verification Committee by his employer i.e. the respondent No.2. However, the same was invalidated by the Scrutiny Committee vide order dated 31st October, 2025 which is impugned in the present petition.

4. We have heard Mr. A.S. Mardikar, learned Senior Advocate along with Mr. D.P. Singh, learned counsel for the petitioner, Mr. H.D. Futane, learned Assistant Government Pleader for respondent No.1 and Mrs. Mugdha Chandurkar, learned counsel

for respondent No.2.

5. Without going into the merits of the matter as has been pointed out by the learned Senior Advocate, the petitioner could not appear before the Scrutiny Committee due to his service assignment as he was working as an Under Secretary during the relevant period. The Senior Advocate for the petitioner fairly concedes that the impugned order makes reference to various communications made to him and his employer. He, therefore, prays that the matter may be remanded and an opportunity may be granted to the petitioner to present his case before the Scrutiny Committee.

6. Per contra, learned Assistant Government Pleader as also the counsel for respondent No.2 opposed the submissions of the Senior Advocate. They submit that enough opportunity has been granted to the petitioner to put forth his case and the petitioner has shown scant regard to the various communications of the Scrutiny Committee. They further submit that there is no case made out for remand that it was only intentionally that the petitioner did not choose to appear before the Scrutiny Committee.

7. We have given our thoughtful consideration to the contentions advanced by the learned counsel for the parties. As

can be seen from para 9 and 10 of the impugned order, various communications were addressed to the present petitioner as also his employer but the petitioner chose not to reply the same and do not choose to appear before the Scrutiny Committee. This fact has not been disputed by the Senior Advocate appearing for the petitioner. The Scrutiny Committee has therefore proceeded to decide the claim on merit and has chosen to reject the same. As can be seen from the order of the Scrutiny Committee the petitioner was not represented as he did not choose to appear. We do not want to go into the reasons of the petitioner's non-appearance but the conduct cannot be appreciated. However, only in the interest of justice and to afford one more opportunity to the petitioner we remind the matter to the Scrutiny Committee, however, by imposing a cost of Rs.50,000/- to be paid by the petitioner.

8. In that view of the matter, we pass the following order :

ORDER

(i) The Writ Petition is allowed.

(ii) The invalidation order dated 31.10.2025, in case ID : Comp/Ser/1/35/2023, passed by the respondent No.1 Scrutiny Committee, Gondia is quashed and set aside.

(iii) The matter is relegated to the Scrutiny Committee, Gondia i.e. respondent No.1 herein to decide it in accordance with law.

(iv) The relegation would be, however, subject to payment of cost of Rs. Rs.50,000/- by the petitioner to the Scrutiny Committee, Gondia within four weeks from today.

(v) The relegation would come into effect only when the cost is paid during that period.

(vi) All contentions on merit are kept open.

(vii) With this direction, the petition is disposed of.

(viii) Rule is made absolute in the abovestated terms.

(NANDESH S. DESHPANDE, J.) (SMT. M.S. JAWALKAR, J.)

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Signed by: Mr. Devendra Wadode
Designation: PS To Honourable Judge
Date: 06/05/2026 17:25:30