

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

WRIT PETITION NO.6267/2022

Chinmay Rajendra Kadam, aged 19 years, Occ. Student, r/o Lahariya Nagar, Kaulkhed, Dist. Akola.

.....<u>PETITIONER</u>

...V E R S U S...

The Scheduled Tribes Caste Certificate Scrutiny Committee, through its Member Secretary, Chaprasipura, Amravati

...RESPONDENT

Mr. R. S. Parsodkar, Advocate for petitioner. Mrs. K. S. Joshi, Addl.G.P. for respondent.

CORAM:- SUNIL B. SHUKRE & ANIL L. PANSARE, JJ. DATED:- 16.11.2022

ORAL JUDGMENT (Per: Sunil B. Shukre, J.)

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

2. We find that the Scrutiny Committee has, without issuing any show cause notice and without examining the relevant jurisdictional facts, passed the sweeping remarks that Mr. Shrikant Kadam, paternal cousin of the petitioner, obtained tribe validity certificate from Pune Scrutiny Committee, by deception and fraud

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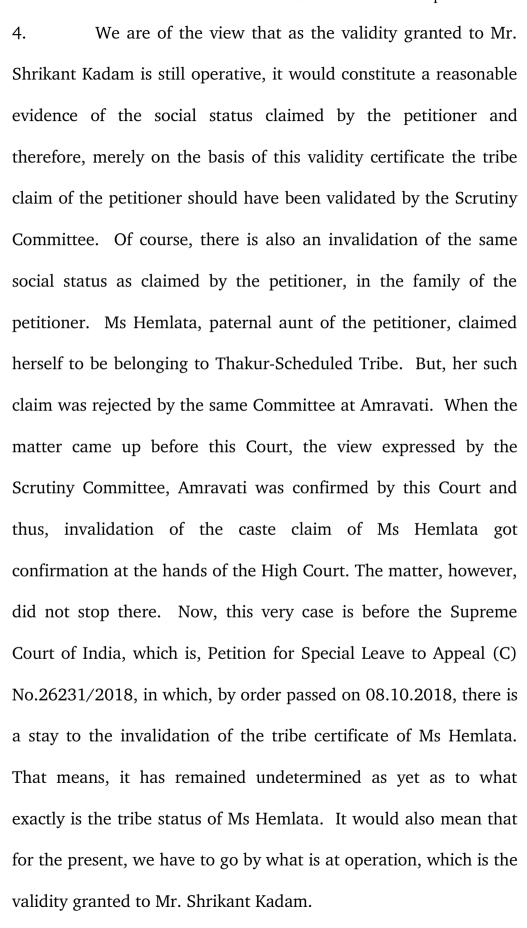
and, thereafter, it went on to discard the validity granted to Mr. Shrikant Kadam.

3. In our considered view, it is not open to the Scrutiny Committee to ignore or reject the good evidence in the nature of validity certificate issued to a paternal relative of the claimant, only on the ground that the validity was issued to him by another Scrutiny Committee, unless an effort is made for examining all the relevant facts, including the jurisdictional facts and proper conclusion is made regarding the validity certificate being a nullity or is the result of fraud played upon the Scrutiny Committee, issuing the validity certificate. No such findings have been record by the Scrutiny Committee. Therefore, we find that the rejection of the validity granted to Mr. Shrikant Kadam by the Scrutiny Committee, is contrary to the well settled principles of law. Useful reference in this regard, may be made to the view taken by this Court in several cases such as, *Apoorva d/o* Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 & Others.: Aryan Sanjay Kakade Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati & Others.² and Ku.Shravani d/o Ganesh Wankhede Vs. State of Maharashtra thr. its Secretary & Others.3

^{1 2010 (6)} Mh.L.J.401.

² W.P.No. 5279/2021, Decided On 15.12.2021.

³ W.P.No.2685/2021, Decided On 16.09.2022.





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5. In this view of the matter, we are inclined to allow this petition, subject to some conditions.

The writ petition is allowed. The impugned order dated 02.09.2022 passed by the respondent no.1 is hereby quashed and set aside. The respondent no.1-Committee is directed to issue validity certificate to the petitioner as he belonging to Thakur-Scheduled Tribe, subject to the final decision of the Petition for Special Leave to Appeal (C) No.26231/2018, pending before the Supreme Court, within a period of one week from the date of receipt of this order.

Rule is made absolute in the above terms. No order as to costs.

(Anil L. Pansare, J.) (Sunil B. Shukre, J.)

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