



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10457 OF 2023

Yash V. Chavan .. Petitioner.
v/s.
The State of Maharashtra & Others .. Respondent.

Mr. R. K. Mendadkar with Ms. Komal Gaikwad i/b. Mr. Anandsingh Bayas,
for the Petitioner.

Ms. A. A. Purav, AGP for Respondent Nos. 1 & 2-State.

Mr. Nagesh Chavan, for Respondent No.3-CET.

**CORAM: SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ.**
DATE : 24th AUGUST, 2023.

PC:-

Heard.

2 Rule. Rule is made returnable forthwith and heard finally by
the consent of the parties.

3 It is not in dispute that there exists validity certificate in the
family of the Petitioner and it is granted to Vishwas Vikas Thakar, the
father of the Petitioner. According to this validity certificate, the father of
the Petitioner is a person whose social status is 'Thakar Scheduled Tribe'.

4 The validity certificate granted to the father of the Petitioner
came up for its consideration before the Scrutiny Committee. The settled
law is that if any validity certificate is granted to any of the family
members of a claimant from the parental side, it would constitute a
reliable piece of evidence of social status claimed by such person.

However, the validity certificate granted to the father of the Petitioner has been discarded by the Scrutiny Committee on the ground that it was given to father of the Petitioner on the basis of cryptic and inadequate inquiry. For this very reason, the Scrutiny Committee as seen from its observations made in paragraph 11 of the impugned order, proposed a review of the validity certificate so granted to the father of the Petitioner. This finding made by the Scrutiny Committee is contrary to the well settled principles of law. They tell us that there is no power of review conferred upon Scrutiny Committee under the provisions of Maharashtra Scheduled Castes, Scheduled Tribes, Vimukt Jatis, Nomadic Tribes, Other Backward Classes and Special Backward Classes (Regulation of Verification of and Issuance of Validity) Caste Certificates Act, 2000 and if at all, the validity certificate granted to persons is to be questioned by same Scrutiny Committee, it can be done by re-visiting it and that too only on the ground that the validity certificate is obtained by playing fraud upon the Scrutiny Committee or by mis-representing material facts to the Scrutiny Committee or by suppressing the relevant facts from the Scrutiny Committee. That is not the case here and, therefore, the rejection of validity certificate granted to the father of the Petitioner by Scrutiny Committee is illegal.

5 Of course, there have been some entries which have been adverted to in details by the Scrutiny Committee, which entries, in the opinion of the Scrutiny Committee create a doubt about the social status claimed by the Petitioner. These contrary entries are indeed there. But in our considered opinion, these entries would pale into insignificance when we consider the validity certificate granted to father of the Petitioner. As stated earlier, it is one of the best proofs of social status claimed by the

Petitioner. The order passed by the Scrutiny Committee attains finality under Maharashtra Scheduled Castes, Scheduled Tribes, Vimukt Jatis, Nomadic Tribes, Other Backward Classes and Special Backward Classes (Regulation of Verification of and Issuance of Validity) Caste Certificates Act, 2000, and it cannot be questioned before any authority or Court except the High Court under Article 226 of the Constitution of India. It is obvious that the present Scrutiny Committee cannot call the correctness or otherwise in question of the validity certificate granted to the father of the Petitioner. We are fortified in our view, by what has been held by Co-ordinate Bench of this Court, in ***Rakesh B. Umbarje & Others v/s. State of Maharashtra & Another***¹ in paragraph 26, which is reproduced for the sake of convenience as under:-

“ Thus, from the scheme of the legislation it is clear that the Caste Scrutiny Committee would not have any jurisdiction to review/ revisit its own orders and decisions granting caste validity certificates. This would also be clear from the reading of Section 9. It may also be observed that the legislature is conscious in making available limited powers of the Civil Court to the Competent Authority, Appellate Authority and the Scrutiny Committee, which are specifically enumerated in Section 9. The legislature has consciously avoided to confer the powers of a review as envisaged under Section 114, read with provisions of Order 47 of the Code of Civil Procedure. Once such provision conferring powers of a review are excluded in their application to the Caste Scrutiny Committee, there is no question of such powers being conferred by any implication under any circumstances.”

6 For the above stated reasons, Petition is allowed.

1 2023 SCC Online Bom. 1013 4 AIR Bom R 392

7 The impugned order is hereby quashed and set aside. Respondent No.2 is directed to issue caste validity certificate to the Petitioner that he belongs to Thakar Scheduled Tribe within a period of one week from the date of receipt of writ of this Court.

8 Rule is made absolute in the above terms.

Parties to act on an authenticated copy of this order.

(FIRDOSH P. POONIWALLA ,J.)

(SUNIL B. SHUKRE,J.)