
(2018) 06 BOM CK 0034

In the Bombay High Court

Case No : WRIT PETITION NO. 6567 OF 2017

BHUSHAN S/O NARAYAN CHOUKHE

APPELLANT

Vs

THE SCHEDULED TRIBE CASTE CERTIFICATE SCRUTINY
COMMITTEE, NAGPUR THR. CHAIRMAN AND OTHERS

RESPONDENT

Date of Decision : 14-06-2018

Acts Referred:

Citation : (2018) 06 BOM CK 0034

Hon'ble Judges : R.K. DESHPANDE, J, ARUN D. UPADHYE, J

Bench : Division Bench

Advocate : Preeti D. Rane, Amit Madiwale, Meghna Munshi

Final Decision : Allowed

Judgement

1] Rule made returnable forthwith.Â

Heard finally by consent of learned counsels appearing for the parties.

2] The petitioner was admitted to the Engineering course in the respondent No. 2 College in the year 2013 in the seat reserved for Scheduled Tribe

candidate.Â The petitioner's claim that he belongs to Mana â?" Scheduled Tribe category was provisionally accepted on the basis of the caste

certificate, which was to be made subject matter of verification and scrutiny by the Scheduled Tribe Caste Certificate Scrutiny Committee.

Accordingly, the College forwarded the proposal to the Scrutiny Committee for verification of caste claim of the petitioner on 22.01.2013.Â The

proposal is pending till this date. The petitioner successfully completed his Engineering course in the year 2016, but his documents viz. markÂlist,

degree certificate, leaving certificate etc., were not released on the ground that the petitioner has failed to produce the caste validity certificate for his

claim as Mana â?" Scheduled Tribe.Â Hence, this petition was filed in the month of October, 2017.

3] The petition challenges the communication dated 16.08.2017 issued by the Principal of the respondent No.2 College refusing to release the

documents of the petitioner on the ground that the petitioner has failed to produce caste validity certificate.Â It also seeks direction to the respondent

No. 3 â?" Shri Sant Gadgebaba University, Amravati, to release the markÂ?list and degree certificate along with the other relevant documents.

4] The notice in this matter was issued on 06.10.2017. But till this date, the Committee has not decided the claim of the petitioner. The learned counsel

for the petitioner has informed us that Yesterday after the hearing was conducted in part, a communication dated 13.06.2018 was handed over by the

Committee to the petitioner demanding certain documents.

5] It seems that since 2013, the committee has not done anything in the matter, as a result the petitioner has already lost his job, as is informed by the

learned counsel for the petitioner, and he is unable to prosecute his further course of studies for want of degree certificate and the other relevant

documents.

6] We cannot allow the Scrutiny Committee to cause harassment to the claimants in this fashion.Â The Committee decides hundreds of matter and

stereoÂ?typed orders are available with the Committee to reject the genuine claims also.Â It was not difficult for the Committee to decide this matter

within a period of five years.Â But it has decided to cause an harassment to the litigant by abdicating its function. Though the proposal is pending

since 2013 with it for verification and scrutiny of the tribe claim of the petitioner, and this petition is pending since October, 2017,Â the Scrutiny

Committee did not find time to demand certain documents as are demanded by communication dated 13.06.2018.Â Â The learned counsel for the

petitioner submits that all the documents have already been supplied and this is merely a farce to prolong the adjudication of the claim and release all

the documents to the petitioner.

7] The petitioner has produced caste validity certificate dated 20.07.2007 issued in the name of Narayan, the father of the petitioner; certificate dated

26.07.2016 issued in the name of Maroti, the real uncle of the petitioner; certificate dated 20.05.2006 in the name of Vishal, the cousin brother of the

petitioner and the entries in the register of Birth and Death, showing the caste of the grandfather of the petitioner, Ragho as Mana. The

petitioner has made out a prima facie case of his entitlement to the certificate of validity for Mana as Scheduled Tribe. However, we make it clear

that the Committee shall be at liberty to take its own decision in accordance with law uninfluenced by these observations, which is only for the purposes

of granting relief in this case.

8] In the facts and circumstances of the case, we will have to direct the respondents to release all the documents to the petitioner and further direction

will have to be issued to the Scrutiny Committee to decide the caste claim of the petitioner within the stipulated period.

9] In view of the above, the writ petition is allowed and the following order is passed.

[I] The communication dated 16.08.2017 issued by the respondent No.2 College refusing to release the documents of the petitioner for non-production

of the validity certificate is hereby quashed and set aside.

[II] The respondent No.2 College and respondent No. 3 University are directed to release all the documents of the petitioner including the marksheet,

degree certificate etc., within a period of one week from today, failing which each of them will have to pay costs of Rs.25, 000/- to the petitioner.

[III] The respondent No.1 as Scheduled Tribes Caste Certificate Scrutiny Committee, Nagpur, is directed to decide the caste claim of the petitioner

within a period of six months from today.

[IV] The petitioner to appear before the Committee on 19th June, 2018 and supply the documents, if at all, required by the said Committee.

[v] We could have imposed heavy costs upon the Committee, but we find that this has become unfruitful as the Committee has not decided to improve

itself in spite of criticism.

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