

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

PUBLIC INTEREST LITIGATION NO. 125 OF 2018

Tukaram Chatausingh Rathod, Yeotmal -Vs.- The State of Maharashtra and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.P.Bhandarkar, counsel for the petitioner.
Mr . P.S.Tembhare, AGP for respondent nos.1 to 3

**CORAM : B.P. DHARMADHIKARI &
M.G.GIRATKAR, JJ.**

DATE : 03.10.2018.

1. Heard learned advocate Mr. Bhandarkar. He submits that as per various judgments of this Court, validity certificates issued prior to coming into force of the Maharashtra Scheduled Caste, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2001 are not valid and hence scrutiny committee cannot act upon it mechanically. It is further contended that, even if validities are produced, each case needs to be looked into independently and the scrutiny committee can in appropriate cases find out whether it is after proper vigilance enquiry or not or whether there was any suppression at the relevant time or not. Contention is the nature of function conferred upon scrutiny committee

is adjudicatory and hence, the scope and extent of application of mind available cannot be curtailed by such notification or provision.

2. Notice for final disposal, returnable on **31st October, 2018**. Learned AGP waives notice for respondent nos.1,2 and 4.

3. It is to be noted that respondent no.3 is already deleted.

4. By ad-interim order we direct that scrutiny committee shall evaluate validity certificates produced before it as per evidence act until further orders.

JUDGE

JUDGE