

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

Writ Petition No.1285/2001

Swami Narayan Bandela,
Aged about 27 years,
Occupation : Service,
Resident of Mannerewar Colony,
Bhamragad Road,
At and Post Alapalli,
Dist. Gadchiroli.

..Petitioner

Versus

- 1] State of Maharashtra through
the Secretary, Ministry of Social Welfare,
Mantralaya, Mumbai-32.
- 2] Caste Certificate Scrutiny
Committee through its Chairman,
Adivasi Vikas Bhavan, Giripeth,
Nagpur.
- 3] Chief Executive Officer,
Zilla Parishad, Gadchiroli.
- 4] District Health Officer,
Zilla Parishad, Gadchiroli. ..

Respondents.

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Shri N. C. Phadnis, Advocate for the petitioner.
Shri S.M. Ghodeswar, AGP for the respondent no.1.
None for respondent no.2.
Shri J. S. Mokadam, Advocate for respondent nos.3 and 4.

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CORAM: SMT. VASANTI A. NAIK &

A.M. BADAR , JJ.

DATED: MARCH 20, 2015.

ORAL JUDGMENT (Per SMT. VASANTI A. NAIK, J)

By this petition, the petitioner impugns the order of the Scrutiny Committee dated 23.3.2001 invalidating the claim of the petitioner of belonging to Mannewar scheduled tribe.

Inter alia, it is submitted on behalf of the petitioner that the impugned order is liable to be set aside as the Scrutiny Committee has not followed the mandatory directions issued by the Hon'ble Supreme Court in the judgments reported in **AIR 1995 SC 94 (Kumari Madhuri Patil & another Vs. Addl. Commissioner, Tribal Development & others)** and **AIR 1997 SC 2581 (Kum. Madhuri Patil Vs. Addl. Commissioner Tribal Development, Thane)** inasmuch as the statements of the parents and near relatives of the petitioner were not recorded by the Vigilance Cell and the Research Officer was also not associated with the Vigilance Cell at the time of inquiry.

It appears on hearing the learned counsel for the parties and on a perusal of the impugned orders that the judgments of the Hon'ble Supreme Court were not followed

by the Scrutiny Committee before invalidating the caste claim of the petitioner. The Vigilance Cell has not recorded the statements of the parents and the near relatives of the petitioner while making the inquiry and Research Officer was also not associated with the Vigilance Cell.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The impugned order is quashed and set aside. The matter is remanded to the Scrutiny Committee for a denovo inquiry in the tribe claim of the petitioner in accordance with the provisions of Act no. 23 of 2001. The Scrutiny Committee should decide the caste claim of the petitioner, as early as possible, and within a period of one year from the date of appearance of the petitioner before the Scrutiny Committee. The petitioner undertakes to appear before the Scrutiny Committee on 20th April, 2015, so that the issuance of notice to the petitioner could be dispensed with. The interim order to continue till the Scrutiny Committee decides the caste claim of the petitioner.

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Rule is made absolute in the aforesaid terms
with no order as to costs.

JUDGE

JUDGE

Ambulkar