

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2918 OF 2013

Manisha d/o Sayanna Pille,
age: 42 years, occu: service,
R/o Jarokot, Tq. Dharmabad,
Dist. Nanded

Petitioner

Versus

- 1 The State of Maharashtra,
Secretary, Tribal Dev. Deptt.
Mantralaya, Mumbai – 32
- 2 Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
through: Vice Chairman
- 3 Food Corporation of India
Zonal Office (West),
Dattapada Road,
Rajendra Nagar, Borivali (East)
Mumbai 66

Respondents

Mr.S.M. Kulkarni advocate for the petitioner
Mr. S.S. Dande, AGP for respondent No.1
Mr. A.B. Tele, advocate for respondent No.2
Mr. V.D. Sonawane advoat for respondent No.3

CORAM : ***R.M. BORDE & A.I.S. CHEEMA, JJ***

Date : 28th JANUARY, 2016.

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard. Rule. With the consent of the parties, petition is taken up for final disposal, at admission stage.

2 The petitioner claims to belong to Manerwarlu, scheduled

tribe (ST). She has been appointed with respondent No.3, as against a reserve vacancy, in the year 1997. The tribe certificate issued in her favour, was referred for verification to the scrutiny committee in the year 2010 and on consideration of the evidence placed before the committee, the same has been invalidated and the caste certificate is directed to be confiscated.

3 The petitioner contends that, the tribe claim of the petitioner has been turned down, mainly on the ground that, the petitioner has failed to submit documentary evidence of pre-constitution period and that, she has failed to establish affinity to Manerwarlu, tribe. The petitioner objects to the order mainly on the ground that, she has not been extended an opportunity to tender reply to the vigilance cell enquiry report and certain documentary evidence placed on record has not been considered by the scrutiny committee. Apart from this, petitioner contends that, she could lay her hands on a document viz. *Kararnama* executed on 9.8.1948 between her grandfather and one Laxmibai. Under the agreement executed in the year 1948, the grandfather of the petitioner lent a loan of Rs.100/- in favour of Laxmibai. The document is written on a stamp paper and the petitioner is desirous of producing the additional documentary evidence for consideration of the committee.

4 Considering the facts and circumstances of this case, we deem it appropriate to remit the matter back to the scrutiny committee for consideration. The committee has not considered the report in respect of enquiry into the status claim of the real sister of the petitioner Viz. Rekha Pille, who was in employment as an helper in a day care center at Tata Institute of Social Sciences. A complaint was tendered against her, to the National Commission for SC and ST, objecting to her tribe status and an enquiry was directed by the Commission at the hands of Tahsidlar. The Tahsildar, Biloli conducted an enquiry, as directed by the National Commission and tendered a report, certifying that the sister of the petitioner has been found belonging to Manerwarlu, which is recognized as scheduled tribe. According to the petitioner, the report of the Tahsildar, in an enquiry initiated at the instance of National Commission for SC and ST, is a material piece of evidence and ought to have been considered by the scrutiny committee. Apart from this, petitioner wishes to tender documentary evidence of the year 1948, as referred above. The petitioner shall tender necessary documentary evidence together with reply to the vigilance cell report, within a period of four weeks from today.

5 Petitioner shall cause appearance before the scrutiny committee on 2.3.2016 and as such, no separate notice, requiring her presence before the committee is necessary.

6 The order passed by the scrutiny committee on 18.3.2013, directing invalidation of the tribe certificate of the petitioner, is quashed and set aside. With the directions as above, the matter is remitted back for reconsideration to the scrutiny committee.

7 Rule is made absolute accordingly.

8 There shall be no order as to costs.

(A.I.S. CHEEMA, J)

(R.M.BORDE, J)