

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

WRIT PETITION NO. 4695 OF 2016

Ku. Chitrakala D/o Wasudeo Bunde

-vs-

State of Maharashtra, thr.its Secretary, Ministr of Tribal Welfare Dep'tt. and others

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

Court's or Judge's Orders.

Mr.Sumit G. Joshi, counsel for the petitioner.

Mr.A.A.Madiwale, AGP for the respondent Nos.1 to 4.

CORAM : SMT. VASANTI A NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 15.11.2016.

By this writ petition, the petitioner challenges the order of the respondent-scrutiny committee dated 28/07/2016 invalidating the claim of the petitioner of belonging to Koli Mahadeo Scheduled Tribe.

Shri Madiwale, the learned Assistant Government Pleader appearing for the scrutiny committee, fairly states on instructions from the scrutiny committee vide communication dated 20/09/2016 that the scrutiny committee has decided to reconsider the caste claim of the petitioner, as some of the aspects were not considered by the scrutiny committee before deciding the caste claim of the petitioner.

Shri Joshi, the learned counsel for the petitioner, states that the petitioner would have no objection if the caste claim of the petitioner is decided, in accordance with law.

Since the scrutiny committee has fairly come forward to withdraw the impugned order dated 28/07/2016 in view of the technical flaws and has decided to re-decide the caste claim of the petitioner afresh on merits in accordance with law, it would be necessary to dispose of the writ petition by accepting the statement made on behalf of the scrutiny committee that would be binding on the scrutiny committee.

Hence, by setting aside the impugned order dated 28/07/2016, we remand the matter to the scrutiny committee, on the statement of the scrutiny committee, to decide the caste claim of the petitioner, in accordance with law. The scrutiny committee should make an endeavour to decide the caste claim of the petitioner within fifteen months from the date of the appearance of the petitioner before the scrutiny committee. The petitioner undertakes to appear before the scrutiny committee on 05/12/2016 so that the issuance of notice could be dispensed with. It is needless to mention that the office of the petitioner would be protected till her caste claim is decided. Order accordingly. No costs.

JUDGE

JUDGE

KHUNTE