

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1 WRIT PETITION NO. 625 OF 2016

SHARDA MADHAV PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Patil Pradip R.
AGP for Respondents: Mrs. A.V. Gondhalekar
Advocate for Respondents : Mr. S.B. Bhapkar
...

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.
DATE : 18.07.2017.**

P.C. :-

. The committee has passed the impugned order, the copy of which is at annexure 'A' page 17 to the petition, invalidating the claim of the petitioner as belonging to 'Rajput Bhamta Vimukta Jati'.

2. The petitioner, on the strength of a certificate styled as Rajput Bhamta Vimukta Jati Nomadic Tribe certificate entered employment as Assistant Teacher in Municipal High School, Bhusawal. She entered this job in the year 1999. The Headmaster, therefore, forwarded her certificate for scrutiny and verification by the competent Scrutiny Committee.

3. The Scrutiny Committee in the impugned order observed that

after the claim was forwarded for scrutiny and verification, the petitioner appeared once. She relied upon a certificate of validity issued to one Mukhtiyarsing Madhav Patil. She claimed that Mukhtiyarsing Madhav Patil is her real brother, however, neither any affidavit of Mukhtiyarsing was filed nor any genealogy and family tree. In any event, when the Scrutiny Committee addressed a communication to the Nashik Scrutiny Committee's Office, it was informed in reply to the letter on 01.07.2015 that Nashik Committee from which the certificate of validity is allegedly issued to Mukhtiyarsing have no record or file with regard to such issuance. Once this communication was received, the petitioner was once again informed to attend the proceedings. The petitioner received a notice but remained absent. In these circumstances, an ex parte order was passed.

4. After the earlier hearing Mr. Patil, the learned Advocate for the petitioner has filed an additional affidavit of the petitioner. In this additional affidavit, the petitioner has asserted that Mukhtiyarsing had approached the Nashik Committee. The Member of the Divisional Caste Scrutiny Committee, Nashik Division, Nashik informed the Executive Engineer, Building and Construction Department of Zilla Parishad, Jalgaon that the caste certificate of Mukhtiyarsing was verified by the committee

and it was held valid. This letter was duly signed by the Member Secretary and bears an inward number. It was in response to letter dated 12.12.2003 issued by the Executive Engineer that the certificate of validity/photocopy thereof was forwarded. Annexure 'H' is a colour photocopy, according to the petitioner, and which is annexed to this additional affidavit. Since, Mukhtiyarsing is her real brother, the petitioner could produce these documents.

5. Thus, what we find is that the committee has proceeded ex parte only after issuance of one notice. Since, the proceedings are serious in nature and they have a bearing on the petitioner's livelihood, we deem it fit and proper to give another opportunity to the petitioner. In the larger interest of justice, we set aside the impugned order.

6. The committee shall now issue a fresh notice of appearance to the petitioner. The petitioner is free to obtain a copy of the vigilance report. The petitioner can place her version on the contents of the report. The petitioner can also place before the committee, the additional documents relying upon her affidavit filed in this Court. The committee shall allow the petitioner to produce an affidavit of Mukhtiyarsing and her own affidavit along with the genealogy and family tree. The committee, thereafter, to decide the claim strictly on merits

and in accordance with law uninfluenced by its earlier order. However, we clarify that this Court has neither accepted the claim of the petitioner nor rejected it, all contentions in that regard are kept open. The writ petition is allowed in these terms.

[MANGESH S. PATIL, J.]

[S.C. DHARMADHIKARI, J.]