

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

**WRIT PETITION NO.4325 OF 2017**

Smt. Sandhya d/o. Sambha  
Yannawar

..Petitioner

Vs.

The State of Maharashtra  
and ors.

..Respondents

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Mr.S.B.Talekar, Advocate i/b. M/s. Talekar and  
Associates for petitioner

Mr.P.N.Kutti, AGP for State

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**CORAM : S.V. GANGAPURWALA AND  
SANGITRAO S. PATIL, JJ.  
DATE : APRIL 03, 2017**

**ORDER :**

Heard.

2. Mr.Talekar, learned counsel for petitioner states that the claim of the petitioner as belonging to 'Chattri', Scheduled Tribe was referred to the Committee. The vigilance enquiry was conducted, however, it was represented to the petitioner that for seeking protection in service,

it is not necessary to get the claim petition decided, as such erroneously the application was filed for withdrawal. In view of that No Say to the Vigilance Cell Report was filed. Other documents placed on record are not considered by the Committee while passing the impugned order. Even the Vigilance Cell has nowhere stated that the entry of caste 'Chattri' in the birth extract of the father of the petitioner of the year 1942, is inserted subsequently. The learned Counsel submits that the inquiry as contemplated for deciding the validation proceedings is not conducted.

3. The learned Additional Government Pleader states that the vigilance enquiry has been conducted. The copy of the Vigilance Cell report along with the show cause notice was issued to the petitioner but the petitioner did not choose to file any reply. The argument of the petitioner that the Members of the Committee impressed upon the petitioner to withdraw the proceedings, is

erroneous and incorrect. The birth extract of the father of the petitioner clearly shows that the entry of Chattri tribe is inserted subsequently. The hand-writing of the said entry is different than the other hand-writing appearing on the said document.

4. We have considered the submissions canvassed by the learned counsel for the respective parties. We have also gone through the order passed by the Committee. The Committee has invalidated the tribe claim of the petitioner only on the ground that the Committee felt that in the birth extract of the father of the petitioner of the year 1942, the entry of tribe 'Chattri' was added subsequently. The Committee has neither considered the other documents filed on record nor has discussed the Vigilance Cell Report. It has also nowhere discussed about the affinity. When the proceedings are decided on merits, all these aspects are required to be considered.

5. In view of the fact that the relevant aspects have not been considered by the Committee, such as the documents filed on record by the petitioner, the affinity test, the report of Vigilance Cell, the impugned order is quashed and set aside. The matter is remitted back to the Committee. The petitioner shall appear before the Committee on 17.04.2017. The Committee may also refer the document of birth extract of the father of the petitioner of the year 1942 to the Vigilance Cell. The Committee shall thereafter decide the proceedings on its own merits in accordance with law, after hearing the petitioner expeditiously, preferably within nine (9) months from the date of appearance.

6. The Writ Petition is accordingly partly allowed. No costs. Authenticated copy be given.

**[SANGITRAO S. PATIL, J.]      [S.V. GANGAPURWALA, J.]**

kbp