

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.1312 OF 2006**Narendra S/o Deochand Tayade Vs. The State of Maharashtra
and another.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.P.R.Patil, advocate for the petitioner.
Mr.M.B.Bharaswadkar, A.G.P. for the State.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**
Date : 06.01.2017.

PER COURT :

1. Heard.
2. The tribe claim of the petitioner as belonging to Tokre Koli – Scheduled Tribe is invalidated. Aggrieved thereby, the present petition.
3. Mr.Patil, learned counsel submits that after the Scrutiny Committee delivered the decision in the year 2001, invalidating the tribe claim of the petitioner, the Scrutiny Committee has validated the tribe claim of the real sister of the petitioner as belonging to Tokre Koli – Scheduled Tribe. The learned counsel submits that opportunity be given to the petitioner to submit the said documents before the Scrutiny Committee for its consideration.

4. Learned A.G.P. states that the documents produced by the petitioner are considered. The petitioner's father's documents shows caste as Koli. Even the petitioner's father's service record shows the caste as Suryawanshi Koli. In view of this contra evidence, no other view would be possible.

5. It is a fact that validity has been issued in favour of the real sister of the petitioner. The same was issued probably after conducting Vigilance. What was the record considered therein will also have to be considered. The Committee would be the appropriate authority to consider the same. It is further stated that the petitioner is not in service.

6. In view of that, we pass the following order :

- a) The impugned order is quashed and set aside.
- b) The matter is remitted back to the Committee for deciding the tribe claim of the petitioner afresh. The petitioner is at liberty to file additional documents including validity granted in favour of real sister of the petitioner. It is made clear that till the validation proceedings are decided by the Scrutiny Committee, the petitioner shall not take benefit of the Tokre Koli – Scheduled Tribe. The petitioner shall appear before the Committee on 30.1.2017. The Committee shall decide the proceedings expeditiously.

c) Rule accordingly made partly absolute. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.06.01.2017.
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