

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

WRIT PETITION NO. 1536 OF 2018

Ashvini D/o Vithalrao Deshatwad,
Age : 19 years, Occu. : Education,
R/o Ambulga (BK), Tq. Mukhed,
Dist. Nanded.

.. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.

2. The Scheduled Tribe Caste Certificates
Verification Committee Aurangabad,
Through its Dy. Director (R),
Aurangabad.

.. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Mrs. M. A. Deshpande, Addl. G. P. for All Respondents.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 07TH FEBRUARY, 2018.

ORAL JUDGMENT (Per S. V. Gangapurwala, J.) :-

. Rule. Rule made returnable forthwith. The learned Additional Government Pleader waives notice of rule for all respondents. Taken up for final hearing with the consent of parties.

2. Mr. Vibhute, the learned advocate for the petitioner submits that, the Scrutiny Committee has invalidated the tribe claim of the petitioner without hearing the petitioner. Even notice was not served upon the petitioner. In the judgment also it is stated that, on 31.08.2017 notice by e-mail was sent and hearing was kept on 01.09.2017, very next day of issuing notice and judgment is delivered by the Committee on 02nd September, 2017. The learned counsel further submits that, the father of the petitioner has been issued with validity certificate of Mannervarlu (Scheduled Tribe).

3. Mrs. Deshpande, the learned Addl. G. P. submits that, the notice was issued to the petitioner. Even notice by e-mail was sent, which is served, but the petitioner did not remain present. Considering documentary evidence on record and the vigilance report, the Committee has rightly invalidated the tribe claim of the petitioner.

4. We have considered the submissions canvassed by learned counsel for respective parties.

5. It appears that, the petitioner is resident of a remote village in taluka Mukhed, District Nanded. The Committee is at Aurangabad. On 31st August, 2017, notice by e-mail was sent and hearing was kept on very next day. Reasonable opportunity has

not been given to the petitioner to put forth her case and file say to the vigilance report.

6. Considering the fact that, reasonable opportunity was not given to the petitioner, we are inclined to grant one more opportunity to the petitioner.

7. The impugned judgment and order is quashed and set aside. The matter is relegated before the Scrutiny Committee for decision afresh. The petitioner shall appear before the Committee on 26.02.2018. The petitioner shall file her say to the vigilance report on the said date. The Committee shall after hearing the petitioner decide the validation proceedings in respect of the petitioner afresh on its own merits, expeditiously and preferably within a period of four (04) months from the date of appearance of the petitioner.

Rule is accordingly made absolute in above terms. No costs.

Sd/-

[A. M. DHAVAL, J.]

Sd/-

[S. V. GANGAPURWALA, J.]