

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 333 OF 2018

Shubham Devidas Wagh

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Pratap V. Jadhavar, Advocate for the Petitioner.

Shri K. N. Lokhande, A.G.P. for Respondents.

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 21st February, 2018

PER COURT :

1. Mr. Jadhavar, learned Advocate for the Petitioner submits that without giving proper opportunity to the petitioner, the committee invalidated the tribe claim of the petitioner as 'Koli Malhar', Scheduled Tribe. According to the learned Advocate, the notice was issued to the petitioner on 29th August, 2017 to remain present on 30th August, 2017. On 30th August, 2017, father of the petitioner remain present, but no proper opportunity was given. Even opportunity to file say to

the Vigilance Report was not given to the petitioner and the order is passed.

2. Mr. Lokhande, learned A.G.P. submits that there is interpolation in the documents. The petitioner and his father could not even prove the affinity test. Considering all these aspects, the detailed judgment has been given by the committee. Even the father of the petitioner was heard.

3. We have considered the submission.

4. Paragraph No. 7 of the impugned judgment states that the notice was issued to the petitioner on 29th August, 2017, directing him to remain present on 30th August, 2017 and on 30th August, 2017, some statement of the petitioner's father was recorded and the judgment is delivered on 1st September, 2017. It appears that, opportunity has not been given to the petitioner to file say to the Vigilance Report. The said opportunity was required to be given to the petitioner.

5. Considering the above, the impugned order is quashed and set aside. The petitioner is relegated before the committee. The petitioner shall appear before the committee on 1st March, 2018. The petitioner shall file say to the Vigilance Report on the said date and the committee shall thereafter decide the tribe claim of the petitioner afresh on its own merits, in accordance with law, expeditiously and preferably before the end of May - 2018.

6. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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