

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

WRIT PETITION NO.15136 OF 2017

Mayuri Ashok Sapkal

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Mr P.V. Jadhavar, Advocate for petitioner

Mr P.S. Patil, A.G.P. for respondents no.1 to 3

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

Date : 1st March 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 28th August 2017 to remain present on 30th August, 2017. On 30th August 2017, the committee passed ex-parte order. Even opportunity to file say to the vigilance report was not given to the petitioner and the order is passed.

2. Mr Patil, 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 submissions.

4. Paragraph 6 of the impugned judgment states that the notice was issued to the petitioner on 28th 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 12th 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. Writ Petition is accordingly disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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