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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7469 OF 2018

Shivani d/o. Ramlu Urlagondwar ..Petitioner.

V/s.

The State of Maharashtra & Anr. ..Respondents.

Mr.Sunil M.Vibhute with Mr.Sagar S.Phatale for the petitioner.

Mr.A.A.Kumbhakoni, Advocate General with Mr.A.B.Vagyani, G.P
with Mr.C.P.Yadav, AGP for the respondents-State.

***CORAM: SHANTANU KEMKAR
NITIN W.SAMBRE, JJ.***

Srikrishna Ananth
Sharma

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Ananth Sharma
Date: 2018.07.24 16:30:48 +0530

DATE : JULY 23, 2018

P.C.:-

Heard the counsel for the parties.

2. Challenging the order passed by the Caste Scrutiny Committee dated June 30, 2018 by which the petitioner's caste validity claim as belonging to '*Mannervarlu Scheduled Tribe*' has been rejected, the petitioner has filed this petition under Article 226 of the Constitution of India.

3. The petitioner's claim has been rejected as she failed to

establish her caste validity claim on the basis of certificates of her father, brother, uncle and herself. According to the petitioner, in reply to the show cause notice issued to her after the Vigilance Cell rejected her claim, the petitioner filed a school admission record of her grandfather of Primary School, Zilla Parishad, Naranagal, Taluka Degloor, District Nanded, but the same has not been considered by the Committee while deciding the claim.

4. Having heard the learned counsel for the parties, we are of the view that the document was not produced before the Committee at the initial stage and was submitted with the reply to the show cause notice. In the circumstances in the interest of justice, it would be appropriate to remand the matter back to the Caste Scrutiny Committee for deciding the petitioner's caste validity claim afresh after taking into consideration the certificate of her grandfather Sangnath Venkatramana Urlagondavar.

5. Before deciding the petitioner's caste validity claim, the Committee shall provide copy of the extract of the school record in respect of Ramulu, father and Govind, uncle respectively on the basis of which the petitioner's caste validity claim has been

rejected. The petitioner to submit explanation in regard to the same within two weeks from the date of its receipt.

6. The fresh decision as above be taken within four months from the date of receipt of the copy of this order.

7. With the aforesaid directions, the petition is disposed of.

(NITIN W.SAMBRE, J.)

(SHANTANU KEMKAR, J.)