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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7533 OF 2018

Maheshkumar s/o Balaji MasalegekarPetitioner

V/s.

The State of Maharashtra and othersRespondents

Mr. S. B. Talekar a/w Mr. D. B. Boindwad for the petitioner

Mr. A. A. Kumbhakoni AG a/w Mr. M. M. Pabale AGP for respondent State.

Mr. B. Vijaykumar a/w Mr. Nayyim Shaikh Law Officers

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

DATE : JULY 26, 2018.

P.C.

Impugned in this petition is the order dated 10/07/2018 wherein the petitioner's claim belonging to 'Koli Mahadev' Scheduled Tribe came to be negated. Petitioner relied upon the validity certificate issued to maternal aunt Sulochana. The Vigilance Cell Report which was served on the petitioner reflects tribe entry dated 06/07/1960 of grandfather Digambar in which tampering/interpolation is noticed. Apart from it, there is an entry

Iresh
Siddharam
Mashal

Digitally
signed by Iresh
Siddharam
Mashal
Date:
2018.07.31
12:56:21
+0530

of 'Koli' in the school record of father of the petitioner.

2 The fact remains that the validity granted to the maternal side relation need not to be considered. Apart from above, the claim of the petitioner for validation was evaluated and rejected by the Committee on the ground that his grandfather's entry of 1960 contains interpolation and his father's entry depicts 'Koli'.

3 The order impugned is passed on 10/07/2018 whereas the Vigilance Cell Report was served on the petitioner vide communication dated 06/07/2018 and he was heard on 07/07/2018. It is the contention of the petitioner that he got hardly any time to respond to the Vigilance Cell Report and would rely upon the provisions of Sub-rule (8) of Rule 12 of Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003.

4 From the record, it can be easily inferred that though Rule 12 (8) of the said Rule contemplates 15 days time period for submitting

explanation to the Vigilance Cell Report. In the present case, claim of the petitioner is decided within period of 3 days from the date of service of Vigilance Cell Report.

5 In the aforesaid background, it will be appropriate in the present case to quash and set aside the impugned order with following directions.

6 The petitioner to treat the order impugned as show cause notice and shall submit his explanation by 31/10/2018. The Committee shall make every endeavour to decide the claim of the petitioner by 31/01/2019.

7 As such, petition is partly allowed and disposed of.

[NITIN W. SAMBRE, J.]

[SHANTANU KEMKAR, J.]