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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7565 OF 2018**

Kartik S/o Bandu Kohad

.....Petitioner

V/s.

The Scheduled Tribe Caste
Certificate Scrutiny Committee
through its Member-Secretary and others

.....Respondents

Mr. Ashwin Deshpande a/w Mr. Pandey for the petitioner
Mr. A. A. Kumbhakoni AG a/w Mr. M. M. Pabale AGP for respondent
State.

Mr. Pravin Kamlakar Thete a/w Mr. Vinod Pandit Law Officers

**CORAM : SHANTANU KEMKAR AND
NITIN W. SAMBRE, JJ.
DATE : JULY 26, 2018.**

P.C.

Impugned in this petition is the order dated 02/07/2018 wherein the petitioner's claim belonging to 'Halbi' Scheduled Tribe came to be negated. As such, this petition.

2 The Scrutiny Committee while dealing with the old caste entry of grandfather of the petitioner namely Rambhau, his great grandfather Dasru, Dayaram has noticed that the petitioner has

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failed to establish blood relation with aforesaid persons.

3 It is required to be noted that the initial burden is on petitioner pursuant to provisions of Section 8 of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Act (hereinafter shall be referred to as the Act for the sake of brevity). Petitioner is required to establish that these persons are his blood relations and pursuant to provision of Section 9 of the Act, same is required to be established having regard to the fact that the Committee has power of Civil Court.

4 In the aforesaid background, treating the present impugned order as show cause notice, by granting opportunity to the petitioner to submit his explanation by 28/09/2018, the order impugned is quashed and set aside. Petitioner to appear alongwith his explanation as ordered herein above to be decided by 31/01/2019.

5 Petition partly allowed and disposed of.

[NITIN W. SAMBRE, J.]

[SHANTANU KEMKAR, J.]