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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7612 OF 2018

Kum.Neha d/o. Ramlu Chatiod

..Petitioner.

V/s.

The State of Maharashtra & Ors.

..Respondents.

Mr.A.S.Golegoankar with Mr.Madhav A. Golegoankar for the petitioner.

Mr.A.A.Kumbhakoni, Advocate General with Mr.Nitin V. Gangal, Special counsel for the respondents-State.

Mr.Bambalge Vijaykumar with Mr.Nayyim Shaikh, Law Officers present.

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

DATE : JULY 24, 2018

P.C.:-

With consent of parties, heard finally and disposed of.

2. Impugned in this Petition is an order dated June 30, 2018 passed by the Scrutiny Committee-Respondent No.2 whereby the claim for Tribe validation moved by the petitioner as belonging to 'Mannerwalu Scheduled Tribe' came to be negated.

3. It is the case of the petitioner that to substantiate her

claimed, she has produced two Validity Certificates one of Parshuram Chinanna Mrutupod, her paternal relation who holds a validity certificate dated November 22, 2001 and another relation Prakash Sayanna holds validity certificate dated December 24, 2010. According to her, grandfather of validity holder of Prakash, namely Piraji and her grandfather Girmaji were real brothers and as such, the petitioner is entitled for issuance of validity certificate. She has also produced on record affidavit of Prakash to the above effect. She would also rely on the validity certificate of one Vitthal, nephew of Prakash.

4. The Scrutiny Committee then referred the matter for Vigilance Cell inquiry in which it noticed certain adverse entries and insertions in the above entries of the cousin brothers, father Ramulu and Mahadabai Narsayya Chatlod and relying upon the same, negated the claim.

5. This Court had an occasion to peruse the family tree produced by the petitioner along with the affidavit dated May 23, 2018 and also affidavit of validity holder Prakash. The Court has also perused the original record and noticed that the disclosure of

family relations in the genealogy of the validity holders and genealogy given by the petitioner is not matching. The petitioner accordingly owes an explanation towards the same as per the provisions of Sub-rule (8) of Rule 12 of Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003 ['the Rules' for short].

6. Apart from the above, the order impugned was passed on June 30, 2018 whereas the petitioner was served with a notice by the Vigilance Cell calling upon her to submit explanation on June 25, 2018 and June 26, 2018.

7. The provisions of Sub-rule (8) of Rule 12 of the Rules contemplates a minimum period of 15 days to be granted to the candidate to submit her explanation. A submission is also made that the petitioner since was short of time, she was unable to submit her detailed explanation on the aforesaid issue i.e. contradictions noticed in the genealogy as observed hereinabove.

8. As a consequence of above, in our opinion, the order impugned is not sustainable and the same is liable to be quashed

and set aside and is accordingly quashed and set aside.

9. If the respondent Scrutiny Committee has issued show cause notice to validity holders, it shall be open to it to decide the claim of the petitioner afresh along with the proceedings for cancellation initiated against the validity holders referred in this order.

10. Let the Committee decide the same expeditiously.

11 With the aforesaid observations, the petition is disposed of.

(NITIN W.SAMBRE, J.)

(SHANTANU KEMKAR, J.)

Srikrishna
Ananth
Sharma

Digitally signed
by Srikrishna
Ananth Sharma
Date: 2018.07.26
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