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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7625 OF 2018

Sneha d/o. Suresh Bawulgave ..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.

Srikrishna
Ananth
Sharma

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by Srikrishna
Ananth Sharma
Date: 2018.07.27
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***CORAM: SHANTANU KEMKAR AND
NITIN W.SAMBRE, JJ.***

DATE : JULY 24 , 2018

P.C.:-

With consent of parties, heard finally and disposed of.

2. In this petition the claim of the petitioner as belonging to '*Mannervarlu Scheduled Tribe*' is negated by the respondent-Scrutiny Committee vide the impugned order dated June 30, 2018.
3. The petitioner has placed reliance upon the documents

wherein her caste is recorded as 'Hindu *Mannervarlu*' in relation to father, brother, sister, paternal aunt, etc.

4. According to her, the Vigilance Cell report opined that the petitioner has not proved and established to her relation with Gangadhar Piraji, her blood relation so as to infer that petitioner is belonging to '*Mannervarlu Scheduled Tribe*'.

5. The learned AGP submits that the claim is rightly rejected as there is no old document thereof or entries as '*Mannervarlu*'.

6. Considered rival submissions.

7. It appears that the claim of the petitioner is rejected for the reasons that these are recent and no old entries demonstrating that the petitioner belongs to '*Mannervarlu Scheduled Tribe*'. This Court in the matter of *Ankita Ashok Nimmalwar V/s. State of Maharashtra and others in Writ Petition (Stamp) No.25738 of 2017 decided on September 25, 2017* has recorded a finding that absence of old documents cannot be a ground to reject the claim when such document the candidate is unable to produce. Unless it is

demonstrated that fraud is practiced or the claim granted is illegal. This view is also supported in the matter of *Sanjay Haribhau Munnur V/s. The State of Maharashtra & Ors.* decided on *September 13, 2017* at Aurangabad Bench in *Writ Petition No.3223 of 2002*.

8. That being so, this Court thinks it proper to remand the matter back to the respondent-Scrutiny Committee by quashing the order impugned.

9. The Committee shall deal with the claim of the petitioner afresh and decide the same in accordance with law. The Committee shall not reject the claim of the petitioner for the same reason by which the order impugned is passed.

10. The petitioner to appear before the Committee on October 4, 2018.

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

(NITIN W.SAMBRE, J.)

(SHANTANU KEMKAR, J.)