

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3975 OF 2019

Radhabai w/o Sambhaji More
Age: 43 years, Occu: Household,
R/o: Malwadi Tq. Hingoli,
Dist. Hingoli

... Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Rural Development Department,
Mantralaya Mumbai-32.
2. The Schedule Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director (R)
Aurangabad
3. The District Collector,
Hingoli, Dist: Hingoli
4. The Deputy Collector
Hingoli Dist: Hingoli
5. Kanba S/o Ukandi Dange
Age: 42 years, Occ: Agri
R/o: Malwadi, Tq. Hingoli,
Dist: Hingoli

... Respondents

....
Mr. S. M. Vibhute, Advocate for petitioner.
Ms. G.L. Deshpande, AGP for the State.

....

**CORAM : PRASANNA B. VARALE
AND
NITIN W. SAMBRE, JJ**

DATED : 01st APRIL, 2019

PER COURT:-

1. The petitioner who belongs to 'Koli Mahadev' Scheduled Tribe, was elected to the post of Sarpanch on 09/10/2017. Her caste claim for verification is pending before respondent No.2 committee.
2. For non providing of the validity certificate, one Kanba Ukandi Dange initiated proceedings for disqualification of petitioner under Section 10 (1A) of the Bombay Village Panchayats Act. Accordingly, the Collector, Hingoli, has taken out proceedings against the petitioner for disqualification.
3. In the aforesaid background the petitioner approached this Court seeking directions to the respondent committee to decide her tribe claim expeditiously. The petitioner has also sought interim order restraining the Collector from disqualifying her till decision on the tribe claim.
4. Learned Assistant Government Pleader submitted that the tribe claim of the petitioner is at conclusive stage.
5. Having considered the rival submissions, we have perused the original record of the scrutiny committee. It is noticed that one of the family members of the applicant whose grand father was real brother of present applicant, holds validity certificate as belonging to 'Koli Mahadev'.
6. Apart from above, the fact remains that the petitioner is ready and willing to appear before the committee for getting tribe claim to be decided expeditiously. Having regard to the fact that the matter before the committee is pending for final hearing, it will be appropriate in our opinion to direct the petitioner to

appear before the committee on 18/04/2019 with all relevant records.

7. Learned Counsel for the petitioner submits that no adjournment will be asked before the committee.

8. The committee, as such, is directed to decide the tribe claim of the petitioner in any case by 06/05/2019.

9. Needless to say that in view of the fact that one of the family members of the petitioner holds the validity, the Collector shall stay away from order of disqualification till the decision of the committee.

10. With these observations the writ petition stands disposed of.

(NITIN W. SAMBRE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

SMS