

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO 4427 OF 2014

SHRI PURUSHOTTAM S/O MURLIDHAR SAWALE,
Age- 45 years, Occ. Service,
R/o A/p Takali (Raja Raya), Tq. Khultabad,
Dist. Aurangabad. **...Petitioner.**

Versus

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai- 32.
Through its Secretary.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad Division,
Aurangabad.
Through its Member Secretary.
3. The Executive Magistrate,
Aurangabad.
4. The Chief Executive Officer,
Zilla Parishad, Aurangabad. **...Respondents.**

Mr. A.S. Golegaonkar, Advocate for Petitioner.

Mr. R.B. Bagul, AGP for Respondent Nos.1 to3.

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**
DATED : 23/01/2019.

ORAL JUDGMENT :

- 1) Rule. Rule made returnable forthwith. By consent,
heard both the sides for final disposal.

2) The present proceeding is filed to challenge the order of Caste Scrutiny Committee, Aurangabad dated 10.7.2009 by which the claim of the present petitioner that he belongs to 'Tokare Koli' Scheduled Tribe is invalidated. Both the sides are heard. The submissions made and the record show that in favour of brother of the present petitioner namely Himatlal, the validity certificate came to be issued on 25.9.2002. The claim of the petitioner came to be decided after deciding the claim of Himatlal. Though the copy of the validity certificate issued to Himatlal was produced, as per the record, it appears that the record was not carefully considered. Even when on the basis of same record like same Vigilance Report in the past Caste Scrutiny Committee has issued validity certificate, it is held that the petitioner does not know the traits or customs of 'Tokare Koli' Scheduled Tribe.

3) In similar circumstances, this Court had remanded the matter to Caste Scrutiny Committee in **Writ Petition No. 2365/2013 dated 1.3.2017 [Arun Balasaheb Pawar Vs. State of Maharashtra]**. In view of the dispute raised by the learned AGP that record was not sufficient in the past, this Court holds that the Caste Scrutiny Committee should consider

everything afresh. So, the following order is made :-

O R D E R

(I) The petition is allowed by setting aside the order under challenge in this petition. The petitioner shall appear before the Caste Scrutiny Committee on 6.2.2019 at 10.30 a.m. The petitioner is entitled to produce additional documents, if any. The Committee is to decide the claim of the petitioner expeditiously and in any case within three months from the date of appearance of the petitioner before the Caste Scrutiny Committee.

Rule is made absolute in those terms.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

ssc/