

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13949 OF 2018

MANISHA VIJAY KOLI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Barlinge S. R.
AGP for Respondents No. 1 & 2 : Mr. A. R. Kale
Respondent No. 3 – served.

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CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.

DATE: 07th JUNE, 2019

PER COURT:

1. Mr. Barlinge, learned counsel for the petitioner submits that the claim of the petitioner of Tokre Koli, Scheduled Tribe has been invalidated without affording proper opportunity. The petitioner was served with the copy of vigilance report on 10.08.2018 and the date for final hearing was given on 14.08.2018. The learned counsel submits that no opportunity was given to file say to the vigilance report. The committee on the ground that there is interpolation of the

documents has invalidated the claim. Whereas, the documents since inception records the entry of Tokre Koli. The petitioner or her predecessors are not guilty of any interpolation. The interpolation cannot be presumed.

2. Mr. Kale, the learned A.G.P. submits that in the present writ petition also the petitioner has not dealt with the vigilance report. There is nothing on record to accept the case of the petitioner. The vigilance report is clear about the interpolation in the documents.

3. It is not denied by the respondents that the vigilance report was handed over to the father of the petitioner on 10.08.2018 and the matter was fixed for hearing on 14.08.2018. The petitioner is required to be given opportunity to file say to the vigilance report so as to put forth her case with regard to the documents verified by the vigilance and also with regard to the home enquiry.

4. Considering the above, we are inclined to grant one more opportunity to the petitioner to put forth the case by remitting the matter to the committee.

5. The impugned order is quashed and set aside. The matter is remitted to the Scrutiny Committee. The petitioner shall file say to the vigilance report within fifteen (15) days from the date of appearance before the committee. The petitioner shall appear before the committee on 20.06.2019. The committee shall thereafter decide the proceedings after hearing the petitioner expeditiously and preferably within a period of four (04) months from the date of appearance.

6. The writ petition accordingly disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

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