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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.618 OF 2019

Amol Nana More]
Age: 25 years, Occ: Service,]
Residing at Shivshakti Nagar,]
Talali P.C., Chalisgaon,]
District : Jalgaon] Petitioner

Versus

1] The State of Maharashtra]
(Through the Secretary, Tribal]
Development Department,]
Mantralaya, Mumbai – 32]
]
2] The Schedule Tribe Certificates]
Scrutiny Committee, Nashik]
Division, Nashik (Through]
Member Secretary) having office]
at Advivasi Vikas Bhawan, 2nd]
Floor, old Agra Road, Nashik.]
]
3] Union of India]
(Through Postal Director)]
Dak Bhawan, New Delhi]
]
4] Head Record Officer,]
Having Office at R.M.S. “L”,]
Division, Yawal Road, Opposite]
Government Rest House]
Bhusawal, District: Jalgaon] Respondents.

Mr. L. S. Deshmukh, Advocate for the Petitioner.

Mr. Y. S. Khochare, AGP for Respondent – State.

Mr. S. S. Pathak, Advocate for Respondent No.3.

**CORAM: B. R. GAVAI &
N. J. JAMADAR, JJ.**

DATE: 1st MARCH, 2019

ORAL JUDGMENT: (Per B.R. Gavai, J.)

1] Rule. Rule is made returnable forthwith. Heard by consent of parties.

2] The learned Counsel for the Petitioner submits that two real sisters of the Petitioner have already been granted validity certificates by the Respondent – Scrutiny Committee. He further submits that the Petitioner has also recently found some pre-constitutional documents, which show his forefathers belonging to Scheduled Tribe “Koli Mahadev”.

3] In that view of the matter, we are inclined to allow the Petition in the following terms.

(i) The impugned order is quashed and set aside and the matter is remitted to the Respondent – Scrutiny Committee for considering it afresh in accordance with law.

(ii) Petitioner shall be given an opportunity to place the additional documents on record, which shall be duly considered by the Respondent – Scrutiny Committee.

(iii) Till the decision on the claim of the Petitioner and, in the event, the order adverse to the interest of the Petitioner is passed, for a period of three weeks from the receipt of such communication by the Petitioner, no coercive steps shall be taken against the Petitioner on the ground of non-submission of the validity certificate.

4] Rule is made absolute in the aforesaid terms. However there shall be no order as to costs.

(N. J. JAMADAR, J.)

(B. R. GAVAI, J.)