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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9433 OF 2018

Ashish S. Navsare	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

Mr.Abhijeet J. Kandarkar for the Petitioner.

Mr.V.M. Mali, A.G.P. for the State – Respondent Nos.1 and 2.

CORAM : B.R. GAVAI &
DAMA SESHADRI NAIDU, JJ.
DATE : 19TH MARCH, 2019.

P.C. :-

1. Rule. Rule made returnable forthwith. Heard finally by consent of the parties.
2. The petitioner has filed this petition being aggrieved by the order dated 10th August, 2018 passed by the respondent no.2 – Committee vide the claim of the petitioner belonging to Scheduled Tribe held to be *prima-facie* invalid.
3. The present case also depicts total non-application of mind. The petitioner claims to belong to Koli Malhar, Scheduled Tribe which is at serial no.30 and his caste certificate is also to that effect. Whereas the entry pertaining to Mahadev Koli is at serial no.29. However, inspite of that, the respondent authority has passed the

following order :-

“The Scrutiny Committee heard the applicant on 7/08/2018. The Scrutiny Committee has gone through all the documentary evidence, enquiry report of Vigilance Cell, written and oral submission of the applicant. The Scrutiny Committee has come to the conclusion that the applicant failed to establish his tribe claim towards Koli Mahadev, Scheduled Tribe. The Show cause notice issued to applicant's real Uncle Rajendra Bhatu Navasare. Therefore, his claim towards the same is held ***Prima-Facie Invalid***. Final order to be made after full scrutiny.”

4. We fail to appreciate as to how when the petitioner belongs to Koli Malhar, Scheduled Tribe, his claim can be considered and *prima-facie* validated as Koli Malhar. In this view of the matter, we have no option but to quash and set aside the impugned order and the matter is remanded back to the Scrutiny Committee for consideration afresh the claim of the Koli Malhar, Scheduled Tribe. The claim of the petitioner shall be considered on merits within a period of three months from the date of uploading of the order.

(DAMA SESHADRI NAIDU, J.)

(B.R. GAVAI, J.)