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Bharat
D. Pandit

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9262 OF 2019**

Maheshwari d/o Dinesh Thakur ... Petitioner

V/s

The State of Maharashtra and Ors. Respondents.

Mr. Sushant Yeramawar for the Petitioner.

Mr. A.K. Kumbhakoni, Advocate General a/w Mr. P.P. Kakade,
Government Pleader a/w Mr. S.B. Kalel, AGP for the State.

**CORAM : NITIN W. SAMBRE &
G.S. KULKARNI, JJ.**

DATE : AUGUST 23, 2019

P.C.:

1] The order impugned dated 10/08/2018 negates the claim for grant of validity in favour of the Petitioner, as belonging to “Thakur Scheduled Tribe”. In response to the Vigilance Report, Petitioner has submitted an explanation demonstrating that the caste of some of his relatives whose names are reflected at page 80 of the Petition viz. his grandfather, grandmother and father, is recorded as “Thakur” According to him, even his cousin brother and paternal aunt are granted validity, which fact is ignored by the Committee. As such, according to him, order impugned is not sustainable.

2] While countering the submissions, learned Counsel for the Committee would urge that, claim of the Petitioner is based on the caste entry as that of belonging to “Thakar”/’Hindu-Thakur”. Further contention is that the Vigilance Cell has given an adverse report, as the Petitioner has failed to establish affinity with that of Thakur Scheduled Tribe. As such, rejection is sought.

3] Having considered the submissions and upon appreciation of reply tendered by the Petitioner to the Vigilance Cell Report, what is noticed is, from 1918 onwards, the caste of the blood relations of the Petitioner is recorded as “Thakur”. The said documentary evidence produced by the Petitioner was not subjected to scrutiny by the Vigilance Cell, as, according to the Committee, the documents were produced not at at the initial stage but at the time of tendering explanation to the Vigilance Cell Report.

4] The aforesaid submissions are disputed by the learned Counsel for the Petitioner as, according to him, documents were very much tendered with the application. Be that as it may, even if the contention of the Petitioner that he has produced the tribe

entries from 1918 onwards of his grandfather, grandmother and father, the fact remains that same were not subjected to scrutiny by Vigilance Cell.

5] In the aforesaid background, in our opinion, case for remand is made out. As such, the order impugned dated 10/08/2018 is hereby quashed and set aside. Respondent-Scrutiny Committee shall carry out fresh Vigilance Inquiry in the matter within a period of six weeks from today and shall serve a copy of the said report on the Petitioner within two weeks thereafter. Let the Petitioner tender his explanation to the Vigilance Cell Report within a period of two weeks thereafter. We expect that the Respondent-Scrutiny Committee shall decide the claim of the Petitioner within a period of three months from today. Needless to clarify that this Court has not examined merits of the matter on any of the issues, including that of protection of already granted admission to the Petitioner.

6] Petition is disposed of in the aforesaid terms.

(G. S. KULKARNI, J.)

(NITIN W. SAMBRE, J.)