

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No. 256/2017

PETITIONER:-

Ku. Kamal d/o Udaybhan Hedao,
(Sau. Kamal w/o Ramesh Parate),
aged about 49 years, Occ. Housewife,
R/o. Ward No.6. Dhanki,
Tah. Umarkhed, Dist. Yavatmal.

VERSUS

RESPONDENTS:

1. Deputy Director (R), Scheduled Tribe Certificate Scrutiny Committee, through Chairman, Amravati Division, Amravati.
2. Collector, Yavatmal, Dist. Yavatmal.
3. Sub-Divisional Officer, Umarkhed, Tah. Umarkhed, Dist. Yavatmal.

Shri V.N. Patre, Advocate for petitioner.

Shri N. H. Joshi, Advocate for respondent Nos. 1 to 3.

Shri S. R. Chakrawarti, Advocate with R. Karode, Advocate for intervener.

CORAM: R. K. DESHPANDE AND
VINAY JOSHI, JJ.

DATE OF JUDGMENT :- 06.03.2019

JUDGMENT (PER R. K. DESHPANDE, J.)

Rule made returnable forthwith. Heard finally by
consent of the learned counsels appearing for the parties.

2. The petitioner was elected as a member of the Panchayat Samiti against the post reserved for Scheduled Tribe. However, she failed to submit caste validity certificate within stipulated period and therefore, she has been disqualified from the post. The Scrutiny Committee has on the contrary, rejected the claim of the petitioner by an order dated 29.06.2016 on the ground that the petitioner has failed to appear before the Committee to substantiate the claim.

3. The petitioner has already been disqualified from the post of member, Panchayat Samiti, Dhanki, Tahsil - Umarkhed, District- Yavatmal. After hearing the learned counsel appearing for the parties, we find that the petitioner has made out a case for remand of the matter and reconsideration the claim by the Scrutiny Committee on merits. Hence, the petition will have to be partly allowed.

4. In the result, this writ petition is partly allowed. The order of the Scrutiny Committee dated 29.06.2016 signed on 29.07.2016 is hereby quashed and set aside. The petitioner to appear before the Committee on 25.03.2019 at 11.00 a.m. The Committee to decide the claim of the petitioner afresh on merits. The petitioner has assured this Court to cooperate with the Committee by submitting all necessary documents and information along with original caste certificate so that

the vigilance inquiry can be conducted and matter can be decided in accordance with law. The committee to decide the matter within period of six months. No costs.

JUDGE

JUDGE

Gohane