

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

MISC. CIVIL APPLICATION NO. 1322 OF 2018

IN

WRIT PETITION NO.4766 OF 2018 (D)

(VAISHNAVI SHRIKRUSHNA SHRIRAME...VS..VICE CHAIRMAN/MEMBER SECRETARY, SCHEDULED
TRIBE CASTE CERTIFICATE SCRUTINY COMMITTEE, AMRAVATI.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms P.D.Rane, Advocate for Applicant/Petitioner.
Shri S.D.Sirpurkar, A.G.P. for Respondent.

CORAM : P.N.DESHMUKH AND
Z.A.HAQ, JJ.

DATED : AUGUST 02, 2019.

Heard.

The learned Advocate for the applicant/petitioner submitted that two documents dated 30th October 1938 and 16th June 1929 on which this Court relied to negate the challenge of the petitioner to the order passed by the Scrutiny Committee, were not made available to the petitioner along with Vigilance Report and therefore, the petitioner could not point out the relevant aspects to the Scrutiny Committee. It is submitted that the document dated 30th October 1938 refers Shri Natthu Sivram as "Nathu Sivram Mana Kunbi", but in the typed format it is shown as "Nathu Sivram Mana (Kunbi), and as "Kunbi" is put in the bracket an impression is created that Nathu Sivram is "Mana Kunbi" by caste. Similar submission is made regarding the document, dated 16th June 1929.

It is pointed out that the entries in the above referred two documents showing Natthu Sivram and Sivram as Mana-Kunbi and the entries in the other documents on which the petitioner relied before the Scrutiny Committee, show that the claim of the petitioner is required to be validated.

Though the learned A.G.P. has opposed the review application, we find that the submissions made by the learned Advocate for the petitioner require consideration and looking to the importance of the claim made by the petitioner an opportunity should be given to the petitioner to substantiate her claim.

Hence, the following order:

The order passed on 2nd August 2018 dismissing the petition is recalled. The writ petition is restored. The Miscellaneous Civil Application is allowed accordingly.

WRIT PETITION NO.4766/2018.

List the writ petition before the appropriate Bench.

(Z.A.Haq, J)

(P.N.Deshmukh,J)