

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7742 OF 2020

Anushka Sanjay Davande

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner.

Shri A. M. Phule, A.G.P. for Respondent Nos. 1 and 2.

Shri D. G. Nagode, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
B. U. DEBADWAR, JJ.
VACATION COURT**

DATE : 20TH NOVEMBER, 2020.

FINAL ORDER :

. According to the learned advocate for the petitioner, the father and real brother of the petitioner are issued with validity certificates as belonging to Koli Mahadev scheduled tribe.

2. The learned counsel for the petitioner accepts that, the validity certificates are issued in favour of the father and brother of the petitioner without conducting vigilance enquiry.

3. We do not find contra entries were before the committee while issuing validity certificates to the father and brother of the petitioner. The contra entries of Hindu Koli appear in the school record of two real uncles of the petitioner namely Ramdas and

Sahebrao, whereas in the case of cousin uncle namely Madhav, the entry appears to be of Hindu Pan Koli.

4. The learned counsel for the petitioner could not point out that these entries were considered by the Committee while issuing validity to the father and brother of the petitioner. The learned counsel for the petitioner refers to the 7/12 extract standing in the name of Ganpat Rangnath. The land owned by him is recorded as restricted land U/Sec. 36 and 36-A of the Maharashtra Land Revenue Code. The relationship of the petitioner with the said Ganpat Rangnath will have to be proved, so also the entry of the land owned by Ganpat to be a restricted land.

5. With a view to grant one more opportunity to the petitioner, we relegate the petitioner before the Scrutiny Committee.

6. In the light of the above, we pass the following order.

7. The impugned order is quashed and set aside. The parties are relegated before the Scrutiny Committee. The petitioner shall appear before the Committee on 23rd November, 2020 and put forth her case. The Committee may consider the entire matter afresh including the additional documents that may be submitted by the petitioner and take decision on or before 07th December, 2020.

8. In view of the above, the writ petition is disposed of. No costs.

[B. U. DEBADWAR, J.]

[S. V. GANGAPURWALA, J.]

bsb/Nov. 20