IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8943 OF 2012

Jayshree D/o Nagorao Anantwad,
Age : 28 years, Occu. Nil,
R/o Bachegaon, Tq. Dharmabad,
District Nanded ..PETITIONER

VERSUS

1. The State of Maharashtra,
Through Secretary to Tribal Development
Department, Mantralaya,
Mumbai

2. The Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad,
Through its Dy. Director (R),
Aurangabad

3. The Collector, Nanded,
Dist. Nanded

Mr. G.K. Chinchole, Advocate, holding for Mr S.M. Vibhute, Advocate for petitioner;
Mr. S.R. Yadav, A.G.P. for respondents

CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.

DATE : 7th October, 2021

PER COURT:

1. By this petition, the petitioner has put-forth prayer clauses (B) and (C) as under:-

> "(B) The impugned judgment and order dated 7/03/2012 passed by the respondent Committee invalidating the tribe claim of the petitioner as Mannerwarlu, Scheduled Tribe, may kindly be quashed

and set-aside by issuing an appropriate writ or order and allow the petitioner to withdraw her Tribe Claim verification proposal referred by the respondent no.3 to respondent no.2.

(C) Pending hearing and final disposal of this writ petition, the impugned judgment and order dated 7/03/2012 passed by the respondent Committee invalidating the tribe claim of the petitioner as Mannerwarlu, Scheduled Tribe, may kindly be stayed and allow the petitioner to withdraw her Tribe Claim verification proposal referred by the respondent no.3 to respondent no.2."

2. We have considered the submissions of the learned Counsel for the petitioner and the learned A.G.P. on behalf of all the respondents.

3. Having gone through the petition paper-book/record available, the following factors are glaring:-

a) The petitioner claims to be belonging to the "Mannerwarlu" - Scheduled Tribe.

b) On 30.12.1994, the Tahsildar, Biloli issued the tribe certificate to the petitioner.

c) On 13.5.2010, the petitioner entered the elections fray to the village Grampanchayat by filing her nomination form for a ward reserved for the Scheduled Tribe category.

d) The tribe claim of the petitioner was referred for validation.

e) The petitioner withdrew her nomination and did not contest the elections.

f) On 3.2.2011, the petitioner requested the District Collector through the Tahsildar to return the tribe verification proposal.

g) A similar request is made to the Committee by sending letters dated 30.5.2011 and 24.1.2012.

h) Before sending letters for withdrawing her tribe verification proposal, the vigilance cell report, adverse to the petitioner, was received.

i) The Committee served the vigilance report upon the petitioner by it's communication dated 9.11.2011. It is contended that the Committee has not received any request letter from the petitioner dated 30.5.2011 or around the said date. The Committee has received a communication dated 23.11.2012 from the petitioner informing the Committee that she cannot appear before the Committee due to ill health.

j) Her father Nagorao Shankarrao Anantwad carried the tribe as "Munurwar" recorded in the primary school admission register on 5.7.1968.

k) As the petitioner did not participate in the proceedings before the

Committee, reliance was placed on the vigilance report and the Committee came to a conclusion that the petitioner did not belong to “Mannerwarlu” - Scheduled Tribe, vide the impugned decision dated 7.3.2012. Her tribe certificate of “Mannerwarlu” was confiscated and cancelled.

l) Even before this Court, the petitioner canvassed that the impugned order be set aside and her tribe proposal be disposed off as withdrawn.

m) We granted time to the petitioner to take instructions and today, the petitioner submits that the impugned decision of the Committee be quashed and set aside and the petitioner is willing to pursue her validation claim before the Committee.

n) In the open Court, we got the above statement confirmed (on two occasions) from the learned advocate who submits that he is making the said statement on instructions from the petitioner.

4. The learned A.G.P. has placed before us a copy of an order dated 4.11.2019 passed by this Court in Writ Petition No.3613 of 2018 filed by Maroti Bandu Rekulwar vs. State of Maharashtra & others, wherein the contention of the petitioner that he could not get a proper opportunity to canvass his case before the Committee, was accepted by imposition of costs of Rs.1 Lakh to be deposited with the Committee as a condition

precedent for a re-hearing in the matter. This order was brought to the notice of the learned advocate for the petitioner on 5.10.2021 and the matter was adjourned for him to take instructions from the petitioner. Today, the learned advocate for the petitioner submits on instructions that she would deposit the amount of Rs.1 Lakh with the Committee. This statement has also been repeated by the learned advocate for the petitioner on instructions, though he kept on saying that the costs may be reduced.

5. In view of the above, this petition is partly allowed with the following directions:-

(a) The petitioner shall deposit an amount of Rs.1 Lakh with respondent no.2 Committee, on or before 30.11.2021. There shall be no extension of time.

(b) Only if the petitioner deposits this amount as directed above, the impugned order of the Committee dated 7.3.2012 shall stand quashed and set aside after the amount is credited in the account of the Committee. If the amount is not deposited on or before 30.11.2021, the impugned order dated 7.3.2012 shall remain intact and shall continue to operate.

(c) Upon depositing the amount leading to the quashing of the impugned order dated 7.3.2012, the petitioner shall appear before

the Committee on 10.12.2021, at 12 noon and shall participate in the proceedings from the stage of contesting the vigilance report and shall extend co-operation to the Committee. She shall refrain from seeking adjournments on unreasonable or trivial grounds.

(d) The amount of Rs.1 Lakh which would be deposited by the petitioner, shall be credited to the State Exchequer.

(e) The proceedings before the Committee shall be completed on or before 30.06.2022.

(S. G. MEHARE, J.) **(RAVINDRA V. GHUGE, J.)**

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