

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

WRIT PETITION NO. 344 OF 2021

Sudhakar Baliram Tayade .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. S. R. Barlinge, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondent Nos. 1 and 2.

**WITH
WRIT PETITION NO. 6355 OF 2015**

Pallavi Sudhakar Tayade

Through her father

Sudhakar Baliram Tayade

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. S. R. Barlinge, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondent Nos. 1 and 2.

Mr. K. C. Sant, Advocate for Respondent No. 3.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 29th JANUARY, 2021.

PER COURT:-

. The petitioner in Writ Petition No. 6355 of 2015 is the daughter of the petitioner in Writ Petition No. 344 of 2021. The tribe claim of the daughter is invalidated whereas the validation proceeding of father is

pending.

2. Mr. Barlinge, learned counsel for the petitioners submits that the tribe claim of daughter Pallavi was invalidated initially under the order of the committee dated 03.06.2009. The said Kumari Pallavi preferred Writ Petition No. 6554 of 2009. The same was partly allowed. The order of the committee was set aside and the matter was remitted to the committee under order dated 04.02.2014. This Court while remitting the matter back directed the committee to consider the validity granted to the paternal aunt of the petitioner namely Usha Tayade, so also observations were made about the other relevant documents and the facts while invalidating the tribe claim of Pallavi. Again the committee committed the same mistake and did not adhere to the directions given by this Court while remitting the matter back. According to the learned counsel, the committee ought to have considered all the aspects as was observed by this Court.

3. We have also heard the learned A.G.P for respondents/State. The learned A.G.P submits that upon perusing the documents, considering the affinity test and place of residence, the committee has drawn correct conclusion.

4. The validation proceeding of the father is still pending with the

committee and he is supposed to retire on attaining age of superannuation in April 2021.

5. This Court had made certain observations in case of Pallavi while remitting the matter back to the committee. The committee ought to have considered the observations made by this Court and thereafter ought to have re-scrutinized and re-verified the tribe claim. The Court while remitting the matter back under order dated 04.02.2014 in Writ Petition No. 6554 of 2009 expected the committee to assign the reasons other than already assigned for either omitting from consideration or not accepting the reliance of the claimant on the documents noted in the said judgment. It appears that the same was not adhered to threadbare by the committee.

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

7. The impugned order passed by the committee dated 15.12.2014 assailed in Writ Petition No. 6355 of 2015 is quashed and set aside. The matter is remitted back to the committee. The committee shall reconsider the said claim in tune with the observations made by this Court in its order dated 04.02.2014 in Writ Petition No. 6554 of 2009.

8. Along with the claim of Pallvai, the committee shall also decide the tribe claim of Sudhakar i.e. petitioner in Writ Petition No. 344 of 2021.

9. The petitioners shall appear before the committee on 05.02.2021. The committee shall thereafter endeavour to decide the validation proceedings by the end of March 2021.

10. During this period, the respondents may process the claim of the petitioner Sudhakar for grant of higher grade pay scale.

11. With the aforesaid observations and directions, writ petitions are disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.