

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

**47 WRIT PETITION NO.8155 OF 2020
WITH
CIVIL APPLICATION STAMP NO. 249 OF 2021**

**PRATIK SANJAY SURWASE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner: Mr. R. N. Dhorde, Senior
Advocate i/b. Mr. Abhijit S. More
AGP for Respondents No. 1 & 2: Mr. S. P. Tiwari
Advocate for Respondent No. 3: Mr. S. G. Karlekar
Advocate for Applicant : Mr. T. M. Venjane
Law Officers: Mr. S. T.Solanke & Mr. P. S. Gapat

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

DATE: 04th JANUARY, 2021

PER COURT:

1. The tribe claim of the petitioner as Koli Mahadev, Scheduled Tribe is invalidated.

2. Amongst the various submissions one of the submission made by Mr. Dhorde, the learned Senior Advocate is that the committee relied upon the entries in the school record of some of the relatives of the petitioner pursuant to the vigilance report in case of Shrikant Uttareshwar Surwase. Petitioner was not provided with the copy

of the said vigilance report. The petitioner did not get the opportunity to controvert the said documents.

3. The learned Senior Advocate submits that principles of natural justice are not adhered to.

4. The learned A.G.P. submits that the contra entries in respect of paternal relatives of the petitioner are writ large. The claim of Shrikant Uttareshwar Surwase, relative of the petitioner as belonging to Koli Mahadev, Scheduled Tribe is invalidated and the same is pending before this Court. There are other grounds also for invalidation of the tribe claim of the petitioner.

5. It appears from the submissions made that the committee has relied upon the vigilance report in case of Shrikant Uttareshwar Surwase while invalidating the tribe claim of the petitioner. It also appears that the petitioner was not served with the copy of the vigilance report conducted in case of Shrikant Uttareshwar Surwase and relied by the committee while invalidating the tribe claim

of the petitioner. It is submitted that the vigilance conducted in the case of the petitioner does not refer to the documents relied by the committee while invalidating the tribe claim of the petitioner.

6. The committee has relied on the following documents from the vigilance report of the Shrikant Uttareshwar Surwase, the same is as under-

"नमूद उमेदवार श्री.श्रीकांत उत्तरेश्वर सुरवसे यांच्या प्रकरणी पोलीस दक्षता पथकामार्फत चौकशी केली असता रक्तसंबंध नातेवाईकांच्या खालील प्रमाणे शालेय नोंदी आढळून आलेल्या आहेत :-

अ.क्र	शालेचे नाव	प्रवेश अ. क्र.	विद्यार्थ्याचे नाव	जातीची नोंद	प्रवेश नोंदणी दिनांक	शेरा
१.	जि.प.पा.शाळा दिलमेश्वर ता.कर्माळा जि.सोलापूर	६८/१४	उत्तरेश्वर शंकर सुरवसे	कोळी	०८/०६/१९५७	
२.	जि.प.पा.केंद्र शाळा करंजे ता.करमाळा जि.सोलापूर	१५८	नवनाथ शंकर सुरवसे	कोळी	०२/०६/१९५८	
३.	जि.प.पा.शाळाआ लेश्वर ता.परांडा जि.उस्मानाबाद	२०२	अरुण सोपानराव सूर्यवंशी	कोळी	१७/०७/१९७२	
४.	जि.प.पा.केंद्र	५९१	रावसाहेब	कोळी	२०/०६/	

	शाळा करंजे ता. करमाळा जि. सोलापूर		कृष्ण सुरवसे		१९६२	
५.	जि.प.पा.शाळाआ लेश्वर ता.परांडा जि.उस्मानाबाद	३२/ १८	सोमनाथ काशिनाथ सूर्यवंशी	हिंदू मागास	२०/०८/ १९६४	
६.	जि.प.पा.शाळाआ लेश्वर ता.परांडा जि.उस्मानाबाद	१८०	मिटू तलकू सूर्यवंशी	कोळी	२६/०७/ १९७१	
७.	जि.प.पा.शाळाआ लेश्वर ता.परांडा जि.उस्मानाबाद	१६६	नागनाथ कोंडीबा सूर्यवंशी	कोळी	१२/०७/ १९७१	
८.	जि.प.पा.शाळाआ लेश्वर ता.परांडा जि.उस्मानाबाद	२१६	वैजिनाथ त्रिंबक सूर्यवंशी	कोळी	२८/०६/ १९७३	
९.	जि.प.पा.शाळाआ लेश्वर ता.परांडा जि.उस्मानाबाद	२१७	रमेश त्रिंबक सूर्यवंशी	कोळी	२८/०६/ १९७३	
१०.	जि.प.पा.शाळाआ लेश्वर ता.परांडा जि.उस्मानाबाद	२६५	विजया निवृत्ती सूर्यवंशी	कोळी	१५/०७/ १९७५	
११.	जि.प.पा.शाळाआ लेश्वर ता.परांडा जि.उस्मानाबाद	२६६	बारीकराव निवृत्ती सूर्यवंशी	कोळी	१५/०७/ १९७५	
१२.	जि.प.पा.शाळाआ लेश्वर ता.परांडा जि.उस्मानाबाद	३६९	सुदाम निवृत्ती सूर्यवंशी	कोळी	१५/०७/ १९८०	
१३.	जि.प.पा.शाळाआ लेश्वर ता.परांडा जि.उस्मानाबाद	२१ २	कल्पना सोमनाथ सूर्यवंशी	कोळी	१६/०६/ १९८६	
१४.	जि.प.पा.शाळाआ लेश्वर ता.परांडा जि.उस्मानाबाद	२१०	प्रकाश सोमनाथ सूर्यवंशी	कोळी	१६/०६/ १९८६	
१५.	जि.प.पा.शाळाआ	२१३	सतीश	कोळी	१६/०६/	

	लेश्वर ता.परांडा जि.उस्मानाबाद		चांगदेव सूर्यवंशी		१९८६	
१६.	जि.प.पा.शाळाआ लेश्वर ता.परांडा जि.उस्मानाबाद	२३६	शिवमला बाबुराव सूर्यवंशी	कोळी	२०/०६/ १९८७	
१७.	जि.प.पा.शाळाआ लेश्वर ता.परांडा जि.उस्मानाबाद	३१२	लक्ष्मण बाबुराव सूर्यवंशी	कोळी	२१/०६/ १९९०	
१८.	जि.प.पा.शाळा दिलमेश्वर ता.कर्माळा जि.सोलापूर	६१/ १०	सुकदेव सोपान सुरवसे	हिंदू म. कोळी	०९/०६/ १९६९	जात धर्म कॉलममध् ये म हा
१९.	जि.प.पा.शाळा दिलमेश्वर ता.कर्माळा जि.सोलापूर	६२/ ११	चांगदेव सोपान सुरवसे	हिंदू म. कोळी	०५/०६/ १९५७	शब्द नंतर लिहिलेला दिसत असून शाईत व अक्षरात फरक आहे

7. It appears that all these documents were not referred to in the vigilance report conducted in the case of the petitioner but were produced in case of Shrikant Uttareshwar Surwase. Naturally, the committee was required to give copy of the vigilance report relied by it and also the copies of the documents relied by it so as to give opportunity to the petitioner to answer the same.

8. In light of the above, it would be appropriate to relegate the parties before the committee.

9. The impugned order is quashed and set aside. The matter is relegated before the scrutiny committee. The petitioner shall appear before the scrutiny committee on 06.01.2021. The petitioner is entitled to file additional documents, if, he so desires. The committee shall give the copy of the vigilance report conducted in case of Shrikant Uttareshwar Surwase to the petitioner along with documents therein. The petitioner may file reply to the said vigilance report conducted in case of Shrikant Uttareshwar Surwase. In case the petitioner files additional documents, the committee may conduct vigilance in case of the additional documents filed by the petitioner. The committee shall endeavour to decide the proceeding within a period of three (03) weeks from the date the petitioner files the additional documents and reply to the vigilance report of Shrikant Uttareshwar Surwase.

10. Writ Petition is accordingly disposed of. No costs.

11. In view of disposal of the writ petition, the civil application is also disposed of.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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