

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CIVIL APPLICATION (W) NO. 201/2021 IN
WRIT PETITION NO.2455/2004

Ku.Hemlata d/o Shriram Chavan

Vs..

Zilla Parishad, Akola, through its Chief Executive Officer, Z.PAkola and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N.R.Saboo, Advocate for applicant/petitioner.

Shri Amit Chutke, Assistant Government Pleader for non-applicant No.2/respondent
no.2.

CORAM :- A.S.CHANDURKAR AND G.A.SANAP, JJ.

DATED :- DECEMBER 14, 2021.

By this application the petitioner seeks leave to amend the writ petition on the basis of adjudication of the tribe claim of his near relatives. In the application it is stated that the Scrutiny Committee has granted validity to the cousins of the petitioner.

In that view of the matter, the application for amendment is allowed. The amendment be carried out accordingly.

The civil application is disposed of.

WRIT PETITION NO.2455/2004

Pursuant to the amendment in paragraphs 7(a) and 7(b) of the writ petition, we have taken up the writ petition for final adjudication.

The challenge raised in this writ petition is to the order of invalidation of the tribe claim of the petitioner of belonging to 'Thakur' Scheduled Tribe. By virtue of the amendment in paragraphs 7(a) and 7(b) of the writ petition, the petitioner contends that near

blood relatives of the petitioner have been granted validity by the Scrutiny Committee. The documents in that regard are placed on record. It is however found that if the petitioner seeks to rely upon that adjudication, it would be necessary to first establish the petitioner's relationship with those blood relatives mentioned in paragraphs 7(a) and 7(b) of the writ petition. Since this aspect would have material bearing on the adjudication of the petitioner's tribe claim, the interests of justice would be served if the Scrutiny Committee is directed to re-consider the tribe claim of the petitioner in the light of subsequent validity given to the blood relatives of the petitioner.

In that view of the matter, the following order is passed :

- (1) The order dated 31.05.2004 passed by the Scrutiny Committee that is challenged in the writ petition is set aside.
- (2) The proceedings are remanded to the Scrutiny Committee for afresh adjudication in accordance with law. The petitioner is at liberty to place on record additional documents in support of his tribe claim.
- (3) The Scrutiny Committee shall decide the claim in accordance with law by giving due opportunity to the petitioner. For that purpose the petitioner shall appear before the Scrutiny Committee on 27.12.2021.
- (4) The Scrutiny Committee shall take steps to decide the tribe claim of the petitioner within a period of six months and preferably by the end of June 2022. All points are kept open.

The writ petition stands disposed of. No costs.

(G.A.SANAP, J.)

(A.S.CHANDURKAR, J.)