

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

**40 WRIT PETITION NO.170 OF 2021
WITH CA/1621/2022 IN WP/170/2021
PRATIK VITTHAL BOGULWAR AND ANTOHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners : Mr. Vibhute Sunil M.
AGP for Respondent Nos. 1 & 2 : Mrs. V. M. Patil-Jadhav
Advocate for Respondent No. 4 : Mr. S.S. Deve.

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**
DATE : 01.08.2022.

PER COURT :

Leave granted to produce the documents, which are marked as 'X' for the purpose of identification.

2. We have heard both the sides.
3. The petitioners' claim of belonging to 'Mannervarlu' scheduled tribe has been turned down by the scrutiny committee.
4. The learned advocate for the petitioners submits that a distant relative of the petitioners by name Gangadhar Balu Bogulwar has been holding a validity certificate but it was not produced before the scrutiny committee when the petitioners' case was being scrutinized. The petitioners would suffer a great loss if the matter is not remanded and a fair opportunity is not extended to them to produce on record the validity certificate of Gangadhar. He further submits that even Gangadhar has vouched about the genealogy showing the petitioners to be the sons of his distant cousin.
5. The learned A.G.P. submits that for years together the petitioners were sleeping. If really Gangadhar is related to them they could have produced the record before the scrutiny committee. They even did not disclose in the

genealogy as to how Gangadhar was related to them and therefore when for very many other reasons the committee has turned down the proposal of the petitioners, the matter may not be remanded.

6. True it is that the piece of evidence is being produced after a long slumber. However, it is to be borne in mind that the petitioners were not to gain anything by holding back it rather it was in their favour. Whether and to what extent this piece of evidence would benefit the petitioners is a matter to be pondered upon by the scrutiny committee. For the time being, we have the affidavit of Gangadhar Bogulwar stating on oath and providing a genealogy referring to the petitioners as his distant relatives.

7. There could be other reasons for the committee to refuse petitioners' proposal. However, if Gangadhar is ultimately found to be related to them and when he has the validity certificate, it is indeed a matter which needs to be scrutinized by the scrutiny committee and for which purpose the matter deserves to be remanded.

8. The impugned order is quashed and set aside and the matter is remanded to the scrutiny committee for decision afresh.

9. The petitioners shall appear before the committee on 05.08.2022 and place on record the additional documents which they are seeking to produce.

10. The committee shall decide the proposal as early as possible.

11. The Writ Petition is disposed of. Pending Civil Application is disposed of.

(SANDEEP V. MARNE J.)

(MANGESH S. PATIL, J.)

mkd/-