

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

WRIT PETITION NO.4414 OF 2022

Snehal Sahebrao Rautwar
Age : 19 yrs, Occu : Education,
R/o, Wai, Tq. Mudkhed, Dist. Nanded

Presently residing at
Survey No.45-1-1 Plot No.A5, 301
Mirchandani Bilagio, Undri Pisoli,
Tq. Haveli, Dist. Pune

...Petitioner

Versus

1. State Common Entrance Test Cell,
Maharashtra, Mumbai,
8th Floor, New Excelsior,
A.K. Nayak Marg, Fort, Mumbai,
Through its Commissioner &
Competent Authority.
2. Scheduled Tribe Certificate
Scrutiny Committee,
Kinwat (Headquarter at Aurangabad)
through its Member Secretary.

...Respondents

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Mr. Mahesh S. Deshmukh, advocate for petitioner.
Mr. S.B. Yawalkar, AGP for respondent no.2-State.
Mr. S.G Karlekar, Panel Counsel for respondent no.1.

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**CORAM : R.D. DHANUKA &
S.G. MEHARE, J.J.**

DATED : 20th APRIL, 2022

ORAL JUDGMENT (PER R.D. DHANUKA, J.) :-

1. Rule. Learned AGP Shri Yawalkar waives service for respondent no.2 and learned counsel Shri Karlekar waives service for

respondent no.1.

2. Rule made returnable forthwith.

3. By this petition filed under Article 226 of the Constitution of India, the petitioner has impugned the order dated 07.03.2022 passed by the respondent no.2 – committee invalidating the tribe claim of the petitioner being ‘Mannervarlu’ Scheduled Tribe on various grounds.

4. Mr. Deshmukh, learned counsel for the petitioner invited our attention to the letter dated 15.02.2022 addressed by his client in respect of the show cause notice issued to deal with the observations made by the Vigilance Committee. He submits that the explanation given by the petitioner has not been considered by the respondent no.2 – committee in the impugned order at all. He also invited our attention to the grounds raised by the petitioner in paragraph no. IX of the petition and would submit that, the explanation is not sought from the petitioner in respect of the file of Hanmantrao and father of the petitioner Sahebrao.

5. The learned AGP on behalf of respondent no.2 states that this is a clear case of fabrication and manipulation of record by the petitioner and thus, no interference is warranted with the impugned order passed by the respondent no.2 – committee.

6. A perusal of the impugned order indicates that the scrutiny committee has not considered the explanation rendered by

the petitioner by letter dated 15.02.2022 and has invalidated the tribe claim of the petitioner.

7. In our view, the petitioner has thus made out a case for quashing and setting aside the impugned order passed by respondent no.2 – committee for deciding the matter afresh after considering the reply dated 15.02.2022 filed by the petitioner giving explanation to the observations made by the Vigilance Committee afresh and in accordance with law.

8. In view of the above, writ petition is allowed in terms of prayer clause (A). The tribe claim of the petitioner is restored before the respondent no.2 – committee for deciding the matter afresh in accordance with law and after considering the reply annexed at page 42 of the petition expeditiously and not later than four months from the date of communication of this order. The respondent no.2 – committee shall grant personal hearing to the petitioner. The petitioner shall not seek any unnecessary adjournment before the respondent no.2 – committee.

9. If the order is passed in favour of the petitioner, the respondent no.2 – committee shall issue tribe validity certificate in favour of the petitioner within one week from the date of passing of such order. If the tribe claim of the petitioner is rejected, the petitioner would be at liberty to file appropriate proceedings.

10. Writ petition is disposed off in the aforesaid terms. Rule is made absolute accordingly. No order as to costs.

11. The petitioner is directed to remain present before the respondent no.2 – committee on 22.04.2022 at 11.00 am. Learned AGP to communicate this order to respondent no.2 for information and compliance.

12. The petitioner would be at liberty to take inspection of the record and proceedings forming part of the record before the respondent no.2 – committee after giving 48 hours notice to the learned AGP. If the petitioner seeks photo copy of any of the documents, same shall be brought to the notice of the learned AGP. The learned AGP to supply photo copies of such documents to the petitioners on payment of photo copying charges, if any, within three days from the date of such application.

13. Parties to act on the authenticated copy of this order.

(S.G. MEHARE. J.)

(R.D. DHANUKA, J.)