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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2444 OF 2022

Rajendra Vasant Langhi .. Petitioner
v/s.
State of Maharashtra Through Secretary
Tribal Development Dept. And Ors. .. Respondents

....

Mr. Chintamani K. Bhangoji, for the Petitioner.

Mrs. P.N. Diwan, AGP, for State/Respondent Nos. 1, 2 and 4.

....

CORAM: SUNIL B. SHUKRE &
G.A. SANAP, JJ.

DATE : 7 MARCH 2022

P.C:-

Heard learned Counsel for the Petitioner and learned AGP
for Respondent Nos.1, 2 and 4, who appears by waiving notice.

2. The Petitioner has been appointed as an Assistant Teacher
on a post reserved for Scheduled Tribe. The Petitioner claims to be
belonging to Mahadev Koli Scheduled Tribe. However, by the
impugned order, Respondent No.2 Scrutiny Committee has
invalidated the Tribe Certificate of the Petitioner.

3. According to learned Counsel for the Petitioner, the impugned order is perverse, as it does not appropriately consider the relevant evidence in the nature of school admission entries dated 19 June 1944 of Jagannath Babu Langhi and Bajirao Babu Langhi, as revealed by the school leaving certificates of Zilla Parishad School, Pune and takes into consideration some documents of the persons, which have no relevance for deciding Tribe Claim of the Petitioner in the sense that those documents were issued to those persons, who were not blood relatives of the Petitioner. He further submits that the Petitioner had given his explanation on these lines but it was not considered in any manner by the scrutiny committee.

4. According to learned AGP, there were earlier entries of the year 1907 and 1909 showing the persons in whose names those entries stood as belonging to Koli Community and not Mahadev Koli Community and, therefore, the impugned order is correct.

5. We would have accepted the argument of learned AGP, had the appropriate consideration been given to all those entries of 1907, 1909 and 1944 which were said to be not of blood relatives of the Petitioner. On going through the impugned order, we find that the scrutiny committee has not even referred to the explanation of the Petitioner, much less recording a finding about the explanation being

unsatisfactory or otherwise. Similarly, the scrutiny committee has not appropriately considered the 1944 entries showing the blood relatives of the Petitioner from the paternal side as Hindu Mahadev Koli and rejected these entries only on the ground that the Vigilance Enquiry Officer had made a general observation in his report that upon verifying school registers of some of the schools, he had noticed that there were no entries in the school register, which showed those persons to be Mahadev Koli and which were made prior to 1950. The remark of the Vigilance Officer, upon a careful consideration of his report, appears to be general in nature and not specific to the verification of the school leaving certificates in question. He states that he had verified general registers of some schools and not all the schools, including the school at Zilla Parishad School at Jejuri, in order to reach a conclusion that the entries claimed to be of the period prior to 1950 were suspicious in nature. Therefore, we find that the impugned order is the result of perversity committed by the scrutiny committee in reaching its conclusion and, therefore, it is required to be interfered with.

6. The petition is allowed. The impugned order is hereby quashed and set aside. The matter is remanded back to Respondent No.2 Scrutiny Committee for reconsideration of the matter of grant of validity or otherwise to the Tribe Certificate of the Petitioner afresh and deciding it in accordance with law, at the earliest and in any case

within a period of six months from the date of appearance of the Petitioner before the scrutiny committee. The scrutiny committee shall be at liberty to rely upon the material and evidence already collected so far, including the report of the Vigilance Officer and Vigilance Enquiry Committee shall also be at liberty to take on record fresh documentary evidence, which may be produced by the Petitioner. The Petitioner is at liberty to submit to the scrutiny committee fresh additional documents.

7. The Petitioner shall appear before the scrutiny committee on 16 March 2022. We direct that service of the Petitioner shall stand protected till decision of the scrutiny committee in terms of this order and for a further period of two weeks from the date of any adverse decision if at all it is there.

8. Writ petition is disposed of in the above terms. No costs.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)