

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13108 OF 2022**

Nikita Ramchandra BhatPetitioner

Versus

State of Maharashtra and ors.Respondents

Mr. Laxman S. Deshmukh, Advocate for the Petitioner.

Mr. N. C. Walimbe, AGP for Respondent - State

Mr. Sameer Khedekar, Advocate Advocate for the Respondent

**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATE : 10th NOVEMBER, 2022.

P.C. :

1. The caste claim of the petitioner belonging to Thakar Scheduled Tribe has been invalidated.

2. Amongst other submissions, one of the submission made by learned counsel for the petitioner is that the pre-constitutional documents filed by the petitioner in the form of registered mortgage documents of the year 1921 and 1923 has not been considered by the scrutiny committee. Vigilance has not been conducted in respect of those documents. Learned counsel for the petitioner submits that those documents has got more probative value.

2. Learned AGP submits that there are contra entries on record.

3. Of course, there are some contra entries on record. The entry of the grandfather of the petitioner in the school record is of "Maratha" caste. In view of that, at present, we cannot accept the contention of the petitioner by allowing the petition in toto though learned counsel for the petitioner submits that the petitioner has been given admission in engineering course from the Scheduled Tribe category.

4. Considering that the matter involves social status of the petitioner and that some pre-constitutional registered documents were placed on record, we are inclined to grant one more opportunity to the petitioner to appear before the scrutiny committee.

5. In the light of the above submissions, we pass the following order :

ORDER

(1) The impugned order is set-aside and the matter is remanded back to the committee. The committee may conduct vigilance in respect of the documents filed by the petitioner i.e. registered

mortgage deeds of the year 1921 and 1923 and may decide the matter afresh on its own merits in accordance with law and policy.

(2) The petitioner may appear before the committee on 22nd November, 2022.

(3) The committee shall endeavour to decide the matter within three months.

(4). The petitioner may also place on record additional documents as the petitioner may deem fit and the committee may conduct vigilance in respect of those documents.

6. The writ petition is, accordingly, disposed of with no costs.

(S. G. DIGE, J.)

(S. V. GANGAPURWALA, J.)