

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

WRIT PETITION NO.3149 of 2013.

Satish Pandurang Hedao,
Aged 38 years,
residing at Anwarpura, Achalpur Taluka.
District-Amravati. **PETITIONER**

...V E R S U S...

1. State of Maharashtra, through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-400 032.
2. Scheduled Tribe Certificate Scrutiny Committee,
Amravati Division, Amravati, through its
Member Secretary having its Office at
Irwin Chowk, Amravati, District Amravati.
3. Zilla Parishad through its Chief Executive Officer,
having its office at Amravati,
District Amravati. **RESPONDENTS**

Shri Ashwin Deshpande, Advocate for petitioner.
Shri D.P.Thakre, Additional Government Pleader for respondent nos. 1 and 2.

CORAM :- A.S.CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.
DATE :- OCTOBER 06, 2022.

ORAL JUDGMENT (Per A.S.CHANDURKAR, J.)

The challenge raised in this writ petition is to the order passed by
the Scrutiny Committee on 17.04.2013 thereby invalidating the tribe claim of

the petitioner of belonging to 'Halbi' Scheduled Tribe. The petitioner in support of his claim relied upon various old documents of the year 1929, 1930, 1943, 1949 and 1950 with entries 'Halbi'. During the Vigilance Cell enquiry three documents were noted by the Vigilance Cell of the year 1913-14, 1919 and 1946 with entries 'Koshti'. These documents were supplied to the petitioner alongwith the report of the Vigilance Cell dated 02.02.2013. The petitioner replied to the aforesaid notice that was received by the Scrutiny Committee on 18.02.2013. In that reply the petitioner denied the relationship with the persons against whom the entry 'Koshti' was mentioned. However, while considering the tribe claim the Scrutiny Committee in paragraph 7 (d) of the impugned order has referred to said three documents with 'Koshti' entry and has concluded that the petitioner has failed to prove that he belonged to 'Halbi' Scheduled Tribe.

2. After hearing the learned counsel for the parties and after perusing the record, we find that it is the specific case of the petitioner that the aforesaid entries are of persons who are not related to him. It is also seen that Vigilance Cell has recorded the statement of one Shri Ganesh Onkarrao Sormare wherein he has stated that Shubhadra Devrao Sadoba was not related to the petitioner. This specific stand has been taken by the petitioner in the reply. It appears from the documents placed before the Scrutiny

Committee that it is only in these three documents that the entry of 'Koshti' is seen. In all other documents on which the petitioner has relied, the entries shown are 'Halbi'. It is also seen that the material collected by the Vigilance Cell in the form of pre-independence documents has not been considered by the Scrutiny Committee. In these facts, we are of the view that the Scrutiny Committee ought to be directed to re-consider the petitioner's claim of belonging to 'Halbi' Scheduled Tribe. The material already on record is required to be taken into consideration in view of the fact that the Vigilance Cell enquiry has been conducted and the petitioner has also filed his reply to the same.

3. Hence for aforesaid reasons and with a view to facilitate re-consideration of the petitioner's tribe claim, the order dated 17.04.2013 passed by the Scrutiny Committee is set aside. The petitioner shall appear before the Scrutiny Committee on 19.10.2022 to facilitate re-consideration of his tribe claim. Since the material on record is only required to be re-considered, the entire proceedings be completed within a period of six months from that date. The petitioner is presently employed with the respondent no.3-Zilla Parishad, Amravati and he is entitled to continue in service subject to final adjudication of the proceedings by the Scrutiny Committee. The Scrutiny Committee shall consider entire material on record

and after granting due opportunity of hearing to the petitioner decide the tribe claim on its own merits and in accordance with law.

Rule is disposed of in aforesaid terms with no order as to costs.

Pending civil application is also disposed of.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

Andurkar..