

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION (WP) NO. 6282/2018

Mr. Suresh S/o Motiram Nipane
Age 45 years, Occupation: Service,
R/O Kurkheda, Tehsil Kurkheda,
Dist. Gadchiroli 442605
Mob. No. 9404831334

..... PETITIONER

// VERSUS //

1. The State of Maharashtra,
Tribal Development Department
through its Secretary, Annex Building,
Mantralaya, Mumbai – 400032.
2. Scheduled Tribe Certificate Scrutiny Committee,
Nagpur Division, Gadchiroli,
through Member Secretary,
Office at: Zilha Parishad Complex Area,
Gadchiroli, Dist. Gadchiroli.
3. Shri Tukaram Education Society,
Kadholi, through its Secretary Office at
Shri Tukaram Vidyalaya, At. Post- Kurkheda,
Tehsil Kurkheda, Dist. Gadchiroli- 442605
4. Shri Tukaram Vidyalaya,
through its Head Master,
at post Kurkheda, Tehsil Kurkheda,
Dist. Gadchiroli – 442605.

.... RESPONDENT(S)

Shri N.D. Meshram with Shri S.D. Borkute, Advocates for the petitioner
Shri Neeraj R. Patil, AGP for respondent nos. 1 and 2
None for respondent nos. 3 and 4

CORAM : A.S. CHANDURKAR AND URMILA JOSHI-PHALKE, J.J.

DATED : 06/07/2022

ORAL JUDGMENT : (PER:- A. S. CHANDURKAR, J.)

Rule. Rule made returnable forthwith. Heard the learned counsel for the parties.

2. The petitioner claims to belong to “Halba” Scheduled Tribe and is serving as Assistant Teacher at the respondent no. 4 – school. The Scrutiny Committee by order dated 27.05.2016 has refused to consider the tribe claim of the petitioner for the reason that the petitioner failed to submit relevant documents in support of his tribe claim. Being aggrieved, the petitioner has challenged the aforesaid order.

3. It is submitted by the learned Counsel for the petitioner that the petitioner has now received various old documents to support his tribe claim and thus prayed that the Scrutiny Committee be directed to consider the petitioner’s tribe claim afresh.

4. Perusal of the impugned order indicates that the Scrutiny Committee has observed that on account of failure of the petitioner to co-operate with it and submit relevant documents, the tribe claim could not be examined. Since the petitioner is in service and desires fresh consideration of his tribe claim, the following order is passed:-

(a) The writ petition is allowed.

(b) Order dated 27.05.2016 passed by the respondent no. 2 - Scrutiny Committee is set aside.

(c) The petitioner is at liberty to make a fresh application to the respondent nos. 3 and 4 alongwith necessary documents and seek verification of his tribe claim.

(d) If such application is made to the respondent nos. 3 and 4, the same shall be forwarded to the respondent no. 2 - Scrutiny Committee for verification of the tribe claim of the petitioner for adjudication in accordance with law.

5. Rule is made absolute in the aforesaid terms with no order as to costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

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