

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

CIVIL APPLICATION (O) NO.476/2021 IN
MISC.CIVIL APPLICATION ST. NO.9313/2021 IN
WRIT PETITION NO.2401/2003 (D)

Pankaj s/o Madhukar Nadge

Vs.

The Scheduled Tribes Caste Certificates Scrutiny Committee, Amravati and anr.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Madhav Lakhey, Advocate for applicant/petitioner.

Ms. H.N.Jaipurkar, Assistant Government Pleader for non-applicants/respondents.

CORAM :- A.S.CHANDURKAR AND SMT. M.S.JAWALKAR, JJ.

DATE :- MARCH 08, 2022.

Notice on this application is made returnable forthwith.
Ms. H. N.Jaipurkar, learned Assistant Government Pleader waives notice for non-applicants.

Considering the reasons mentioned in the application and as the same is supported by the affidavit of the learned counsel for the applicant, delay in filing application for restoration is condoned.

The civil application is disposed of.

MISC.CIVIL APPLICATION ST.NO.9313/2021

Notice on this application is made returnable forthwith.
Ms. H. N.Jaipurkar, learned Assistant Government Pleader waives notice for non-applicants.

Considering the contents of the application the order dated 06.05.2016 dismissing Writ Petition No.2401/2003 for want of prosecution is recalled and the writ petition is restored to file.

The miscellaneous civil application is disposed of.

WRIT PETITION NO. 2401/2003

The order passed by the Scrutiny Committee dated 13.01.2003 invalidating the claim of the petitioner of belonging to 'Halbi' Scheduled Tribe is under challenge. It is submitted by the learned counsel for the petitioner that the petitioner's brother namely Pravin had filed Writ Petition No.2402/2003 and on 12.02.2015 this Court had found that the Research Officer was not associated with the report of the Vigilance Cell. On that count, the order passed by the Scrutiny Committee was set aside and the proceedings were remanded for re-consideration. The learned counsel submits that similar order has been passed by the Scrutiny Committee in the present proceedings.

On consideration of the order passed by the Scrutiny Committee that is impugned in the present writ petition, we find that the order passed in Writ Petition No.2402/2003 can also be made applicable to the case of the petitioner since the Research Officer has not been shown to have expressed any opinion on the report of the Vigilance Cell. Hence for the reasons contained in Writ Petition No.2402/2003, the following order is passed :

- i) The order dated 13.01.2003 passed by the Scrutiny Committee is set aside.
- ii) The proceedings are remanded to the Scrutiny Committee for holding enquiry afresh into the claim of the petitioner.
- iii) The petitioner shall appear before the Scrutiny Committee on 28.03.2022 alongwith his brother-Pravin to facilitate the adjudication of his tribe claim.
- iv) The claim of the petitioner be decided on its own merits and in accordance with law. All points raised are kept open.

With these directions, the writ petition is disposed of. No costs.