

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

WRIT PETITION NO.4583 OF 2022

Tushar S/o Vitthal Gaikwad, Mahlgi Nagar, Nagpur

-vs-

State of Maharashtra, Thr. Secretary, Tribal Development Department, Mantralaya, Mumbai
and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Shankar Borkute, Advocate for petitioner.

Shri A. A. Madiwale, Assistant Government Pleader for respondent
Nos.1 and 2.

CORAM : A. S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : December 13, 2022

P.C.

Rule. Rule made returnable forthwith and heard the
counsel for the parties.

On 01/12/2022 after hearing the learned counsel,
following order was passed :

*“ On 05.08.2022, while issuing notice in the writ petition,
it was observed in paragraph nos.1 and 2 as under:*

*“The tribe claim of the petitioner and his sister came to be
invalidated by passing two separate orders on 4/9/2018.
Insofar as petitioner’s sister is concerned, she had filed
Contempt Petition No.280/2018 in this Court. During
pendency of those proceedings, the Scrutiny Committee on
11/10/2018 re-visited its earlier order and issued a
validity certificate in favour of petitioner’s sister. That
validity certificate is dated 20/10/2018. In this
background, the petitioner has challenged the order of
invalidation.*

2) *Prima facie considering the fact that the order
passed in the case of petitioner’s sister has been reviewed
and a validity certificate has been issued to her, there is no
reason to deny the petitioner the benefit of such*

adjudication.”

Today on written instructions the learned Assistant Government Pleader submits that if the proceedings are remanded, fresh decision would be taken within a period of eight days. The same is taken on record and marked “A” for identification.

Instead of remanding the proceedings we permit the Scrutiny Committee to reconsider the matter and pass an appropriate order in the backdrop of the fact that the petitioner’s sister has been issued a validity certificate.

To enable that exercise to be undertaken the petitioner shall appear before the Scrutiny Committee on 05.12.2022. Stand over to 13.12.2022, by which date the Committee shall place on record its order.”

Today, the learned Additional Government Pleader has tendered copy of communication dated 12/12/2022 issued to the office of the Government Pleader wherein it is stated that validity certificate has been issued to the petitioner on 12/12/2022. The said communication is taken on record and marked ‘A’ for identification.

In view of aforesaid the purpose of filing the writ petition is served. Hence the order dated 04/09/2018 passed by the Scrutiny Committee invalidating the petitioner’s tribe-claim is set aside. The parties shall act upon validity certificate dated 12/12/2022.

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

(Anil L. Pansare, J.)

(A. S. Chandurkar, J.)