

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3010 OF 2012

WITH

CIVIL APPLICATION NO.7602 OF 2023

AND

CIVIL APPLICATION NO. 10749 OF 2017

IN

WRIT PETITION NO. 3010 OF 2012

Smt. Nirmala d/o Dattatray Thakur

Versus

1. The State of Maharashtra,
Tribal Development Department,
Through its Secretary. Mumbai.
2. The Scheduled Tribe Certificate Scrutiny Committee,
Through its Secretary. Nandurbar.
3. The Sub Divisional Officer,
Dhule.
4. Zilla Parishad, Aurangabad
Through its Chief Executive Officer.

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Advocate for Applicant : Mr. Yeramwar Sushant C.

AGP for Respondent No.1 and 3 : Mr. A. A. Jagatkar

Advocate for Respondent No.4 : Mr. U.B. Bondar

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 2 AUGUST 2023

PER COURT :

. Heard.

1. The petitioner has been challenging the invalidation rendered by respondent/Scrutiny Committee by the order under challenge. Her tribe certificate 'Thakur scheduled tribe' has been confiscated and cancelled.
2. The learned Advocate for the petitioner points out that the petitioner could collect several clinching record, which was not before the Committee when her proposal was being considered by the Committee. All these documents which have been produced with the Civil Application No. 7602/2023 would be important since those are of pre-constitutional period. He submits that the petitioner be allowed to go back to the Committee and may be permitted to produce these documents which the Committee could thereafter verify and may pass a fresh order.
3. The learned AGP on instructions, submits that since these documents are coming-forth for the first time, the Committee may have to resort to a vigilance enquiry. He submits that if the matter is remanded, the Committee may be granted sufficient time to decide the proposal afresh by resorting to vigilance enquiry and would require another year.
4. Since it is a matter of social status, if the petitioner is possessing some pre-constitutional record which he intends to take benefit of, the

opportunity cannot be refused. It would always be open for the Committee to examine the genuineness of record being produced and if necessary by resorting to vigilance enquiry. No prejudice is likely to be caused to anybody.

5. The writ petition is partly allowed. The impugned order is quashed and set aside. With the consent of the parties, the matter is remanded back to the Scrutiny Committee for decision afresh in accordance with law. The Committee shall permit the petitioner to produce the documents and then the Committee may proceed to decide the proposal in accordance with law and even by resorting to vigilance enquiry, if it so deems proper.

6. The proposal shall be decided finally as expeditiously as possible and in any case within nine months.

7. The petitioner shall cooperate the Scrutiny Committee in early disposal of the proposal. No adverse action shall be initiated against the petitioner till the Committee decides the proposal or nine months, whichever is earlier.

8. The writ petition and the civil applications are disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]