

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

WRIT PETITION NO. 8901 OF 2023

Aishwarya Venkatesh Rautwar .. Petitioner

Versus

Scheduled Tribe Certificate Scrutiny
Committee Kinwat and another .. Respondents

Shri Mahesh S. Deshmukh, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for the Respondent No. 1.

Shri C. A. Jadhav, Advocate for the Respondent No. 2.

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

DATE : 08 AUGUST 2023.

FINAL ORDER :

. Heard both the sides.

2. It is an exceptional matter where we are now compelled to pass a similar order for the similar reasons which had weighted with this Court while deciding Writ Petition No. 1993 of 2022 in the petitioner's matter itself. After noting that the petitioner was relying upon the validity of one Ganpat Pandharinath, it was found in the file of Ganpat and others that petitioner's father was not shown in the genealogy. The matter was remanded to the Committee for taking decision afresh granting liberty to the petitioner to prove the relationship with the validity holders.

3. It appears that after remand a fresh scrutiny was undertaken. A statement purportedly recorded by the vigilance officer of Ganpat Pandharinath Rautwar was recorded on 01 November 2021. Going by that statement, Ganpat purportedly admitted petitioner's father to be his brother. Even genealogy was prepared under his signature. If such was a state of affair, irrespective of anything else, it was expected of the Committee to have objectively scrutinized veracity or otherwise of the statement being made by Ganpat Pandharinath Rautwar and the genealogy furnished by him.

4. The learned Additional Government Pleader tries to demonstrate as to how there is doubt about the identity of the individual who had given this statement. He tries to point out the difference in the signatures appearing on the statement and the genealogy and the statement of Ganpatrao Pandharinath Rautwar purportedly on an affidavit filed in the matter of petitioner's father Venkateshm and another affidavit filed in the same matter dated 02 February 2010 purportedly signed by the same Ganpatrao Pandharinath Rautwar mentioning therein that in his own matter he had not disclosed Venkateshm as his brother because of family feud.

5. If such is the state of affairs, it was imperative for the Committee to have objectively scrutinized such material particularly in the light of the latest statement collected during vigilance, of Ganpat Pandharinath Rautwar dated 01 November

2021 and the genealogy furnished by him. We fail to understand as to why the Committee has completely overlooked this statement. We are therefore of the considered view that the matter needs to be relegated to the Committee for taking a decision afresh in the light of the above observations and particularly statement of Ganpat Pandharinath Rautwar dated 01 November 2021.

6. The learned advocate for the petitioner would submit that as the matter is being now remanded back, she be given an opportunity to substantiate the claim by leading additional evidence.

7. The writ petition is partly allowed. The impugned judgment and order is quashed and set aside. Matter is remanded back to the Scrutiny Committee for decision afresh in the light of the above observations and by extending an opportunity to the petitioner to lead additional evidence. The petitioner shall appear before the Committee on 14.08.2023 and the Committee shall thereafter decide the matter as expeditiously as possible and in any case by 31 August 2023.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23