

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

WRIT PETITION NO. 10428 OF 2023

Chetankumar Nandkumar Totewad,
Age 19 years, Occ. Student,
R/o. Paroti Tanda, Tq. Kinwat,
Dist. Nanded.

... **Petitioner**

VERSUS

1) The State of Maharashtra,
Through its secretary of Social
Welfare Department, Mantralaya,
Mumbai-32.

2) The Scheduled Tribe,
Certificate Scrutiny Committee,
Aurangabad.

... **Respondents**

...

Advocate for the Petitioner : Ms. Deshmukh Manisha Digambar
A.G.P. for the Respondents/State : Mr. A.A. Jagatkar

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

DATE : 29.08.2023

PER COURT :

Heard.

2. The petitioner is challenging invalidation.
3. The learned advocate for the petitioner submits that the committee has relied upon few entries which according to it are inconsistent with the petitioner's claim. She also submits that the petitioner possessed a revenue record of 1346 Fasli corresponding to the year 1936 A.D. of land Survey No. 49 of village Shivani, Tahsil Mudhod (Telangana State) wherein petitioner's great grand father Vyankatrao Nayaran has been referred to and described

as belonging to 'Mannervarlu' scheduled tribe. However, since the petitioner was in urgent need to have a decision from the committee to secure his admission to a medical course in the ongoing admission process, since there was no time even available for the committee to get that document verified by resorting to vigilance enquiry, the petitioner's father had requested the committee to proceed ignoring that document. However, this would be a clinching piece of evidence being a pre-constitutional document. Already the petitioner has lost opportunity to secure admission in first two rounds the last date for which is 03.09.2023 to produce the certificate of validity. However, atleast he would be able to secure some admission in the further process, if the committee undertakes necessary additional enquiry and decides the matter afresh.

4. The learned A.G.P submits that since the document of 1346 Fasli was produced belatedly, the committee could not subject it to vigilance scrutiny. In view of the exigency the matter was decided as it is, having been consented to by the petitioner's father. He submits that given the opportunity the committee would consider even that document and pass a fresh order.

5. Taking into account the rival submissions and after going through the order under challenge, it does appear that irrespective of the urgency being demonstrated, this revenue record of 1346 Fasli would be decisive. Ofcourse, in view of the observations of the Supreme Court in the matter of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326***, if the committee entertains a doubt about its genuineness it may have to resort to a vigilance enquiry contemplated under Rule 12 of the Rules of 2003.

6. Taking into consideration the urgency for the petitioner, we quash and set aside the impugned order and remit the matter back to the respondent-scrutiny committee for decision afresh by undertaking scrutiny of the

revenue record of 1346 Fasli produced by the petitioner and for passing order afresh. The decision shall be taken as expeditiously as possible and in any case by 15.09.2023.

7. The petitioner shall appear before the committee on 01.09.2023.

8. The Writ Petition is disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-