

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

WRIT PETITION NO.11838 OF 2023

**ANANDRAO BALDEV SONAWANE
VERSUS
JOINT COMMISSIONER SCHEDULED TRIBE
CERTIFICATE SCRUTINY COMMITTEE AND OTHERS**

...
Advocate for the Petitioners : Shri Thorat Mohanish V
AGP for Respondents 1 to 3/State : Shri P.S. Patil
...

**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRADE, JJ.**

DATE :- 26th September, 2023

Per Court :-

1. The Petitioner is aggrieved that his claim of belonging to “Tokre Koli”, Scheduled Tribe category, has been rejected by the competent Committee vide the ex-parte impugned judgment dated 02.02.2022.

2. The learned AGP points out that the Petitioner was before this Court in Writ Petition No.5885/2021. By the order dated 08.04.2021, the Committee was directed to decide the claim of the Petitioner within six months. However, the Petitioner was frequently absent and on the last two dates i.e.

04.12.2021 and 24.12.2021, he remained absent. Hence, the matter was proceeded with ex-parte. The learned AGP prays that this Petition be dismissed with heavy costs.

3. The learned Advocate for the Petitioner submits that there were certain circumstances due to which, he could not appear before the Committee.

4. We find that when this Court has passed the order on 08.04.2021, the Petitioner was duty bound to cooperate wholeheartedly and ensure that a decision is arrived at within six months.

5. The learned Advocate for the Petitioner submits that the Petitioner would donate an amount of Rs.5000/- to the Advocates' Bar Library and prays that the matter be remitted to the Committee. He assures that the Petitioner would render wholehearted cooperation and would not seek any adjournment.

6. In view of the above, in the interest of justice and by recording the above statement, **this Writ Petition is partly allowed.** The impugned order is set aside. The file of the Petitioner bearing No.CVC/NDB/1013/ CR-1756/DII(2), stands remitted to the competent Committee with the following directions:-

(a) The Petitioner shall deposit an amount of Rs.5000/- (Rupees Five Thousand) with the Bar Library of the Advocates' Association of Bombay High Court, Bench at Aurangabad, within 21 days from today.

(b) The Petitioner would appear before the Committee on 10.10.2023 at 12:00 noon and abide by the further dates of hearing in the matter. He shall refrain from seeking adjournments on unreasonable or trivial grounds, lest the Committee would be justified in progressing to the next stage in the proceedings and thereafter, the Petitioner's grievance shall not be entertained.

(c) Subject to the above conditions, the Committee shall decide the claim of the Petitioner, on or before 29.02.2024.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)