

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

933 WRIT PETITION NO.12874 OF 2017

**SUPRIYA GOKUL SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. S. R. Barlinge
AGP for Respondents: Mr. G. A. Kulkarni
...

**CORAM : MANGESH S. PATIL
AND
NEERAJ P. DHOTE, JJ.**

DATE : 06.12.2023

PER COURT :

. Heard both the sides and perused the papers, particularly, the impugned order. Obviously, since it is a matter in respect of a claim of the petitioner of being belonging to Tokre Koli, when unlike Thakur Scheduled Tribe, the presidential order does not restrict only Tokre Kolis from a particular region, the Committee could not have legally applied the analogy in respect of the claims of Thakur Scheduled Tribe regarding area restriction to the petitioner's claim. It has resorted to it for ignoring the validity of the cousin paternal uncle.

2. Be that as it may, the petitioner has been relying upon the old birth record of an individual to substantiate the claim. Admittedly, this document was in Modi script and its translation has been furnished for the first time in this petition, which was not before the Committee.

3. Since the petitioner is relying upon this document which has not undergone any scrutiny by the Committee, the learned advocate for the petitioner, on instructions, submits that the matter may be remanded to the Committee for decision afresh which would enable him to produce this additional document to substantiate the claim.

4. Prayer is innocuous.

5. The writ petition is partly allowed. The impugned order is quashed and set aside. The matter is remitted back to the Scrutiny Committee for decision afresh in accordance with law by permitting the petitioner to produce additional documents. If necessary, the Committee may resort to vigilance inquiry. The Committee shall consider and decide the proposal finally in any case within six weeks. The petitioner shall appear before the Committee on 11.12.2023.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE

SG Punde