

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

1048 WRIT PETITION NO. 4887 OF 2023

TEJAL TUKARAM TULWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. R.K. Mendadkar
i/b. Mr. Jadhavar Pratap V.
AGP for Respondent Nos. 1 & 2 : Mr. S.G. Sangale
Advocate for Respondent No. 3 : Mr. M.D. Narwadkar
...

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

DATE : 27 JULY 2023

PER COURT :

Heard the learned Advocate for the petitioner and also the learned AGP.

2. The petitioner who has appeared at NEET UG 2023 is before us, challenging the order of respondent no. 2 – Scrutiny Committee, in a proceeding under Section 6 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes, (Vimukta Jatis) Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of issuance and verification of) Caste Certificate Act, 2000, whereby, the Committee has seized and cancelled her tribe certificate as ‘Mannervarlu’ scheduled tribe.

2. The learned Advocate for the petitioner submits that the petitioner is seeking a social status. It is not a litigation. The petitioner has been able to secure an old record in Modi Script of the year 1350

fasli which comes to 1940 AD which according to the translation refers to her ancestors as Mannervarlu. The copy of the document with the translation is produced on the record (exhibit 'E') at page no. 64 to 67. He requests that since this document was not before the Committee, the petitioner should be given an opportunity to go back to the Committee and make an attempt to satisfy it regarding genuineness of this document which in all probability would be a clinching piece of evidence of the sterling value. He requests that the Committee be directed to decide the matter expeditiously.

3. Learned AGP, on instructions, submits that the Scrutiny Committee is already burdened with huge pendency but would make an endeavour to decide the petitioner's proposal expeditiously. He would also submit that possibly the Committee may have to resort to another vigilance in view of the document sought to be produced by the petitioner.

4. In our considered view, if the petitioner could lay hands on some old documents which according to her is the favourable one to discharge the burden cast on her by virtue of Section 8 of the Act, she deserves to be extended an opportunity.

5. In the light of the above, we allow the Writ petition partly, quash and set aside the impugned order and remit back the matter to respondent no. 2 – Scrutiny Committee, for decision afresh in

accordance with law by extending an opportunity to the petitioner to produce the document/s.

5. The Committee shall endeavour to decide the petitioner's claim as expeditiously as possible within a period of four weeks..

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

spc/