

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4490 OF 2018

Tatu Nathu Dhanawale

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

- Mr. C.K. Bhangoji i/b. Mr. Vishnu A. Madane, for the Petitioner.
- Mr. N.C. Walimbe, AGP for the Respondent–State.

**CORAM : SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ**

DATE : 9th OCTOBER, 2023.

ORAL JUDGMENT : {Per : Sunil B. Shukre, J.}

1. Heard.
2. RULE. Rule is made returnable forthwith, by consent of learned counsel for the respective parties.
3. Considering the fact that, during the pendency of this petition, three validity certificates have been issued to the blood relatives of the petitioner from the paternal side, which have the potential of the strengthening the tribe claim of the petitioner, we are of the view that it would be in the interest of justice that one more opportunity is granted to the petitioner to prove his claim that he belongs to Koli Mahadev Scheduled Tribe and for this purpose, it would be also necessary for this

Court to quash and set aside the impugned order not for any apparent error in it, but for the inadequacy of it in the light of the inability of the petitioner to prove substantially his tribe claim by adducing more documentary evidence which he now possesses. The petition is allowed with following directions.

(i) The impugned order dated 14.03.2018 passed by Respondent No.2 is hereby quashed and set aside.

(ii) The matter is remanded back to the Scrutiny Committee for fresh consideration and decision in accordance with law.

(iii) The petitioner is at granted liberty to file fresh documentary evidence including the tribe validity certificates subsequently issued to the blood relatives of the petitioner from paternal side.

(iv) The petitioner is directed to appear before the Scrutiny Committee on 25.10.2023 at 11.00 a.m.

(v) The Scrutiny Committee is directed to decide the tribe claim of the petitioner at the earliest and preferably within a period of four months from the date of appearance of the petitioner.

4. Rule is made absolute in the above terms.

5. Writ Petition is disposed of accordingly.

[FIRDOSH P. POONIWALLA, J.]

[SUNIL B. SHUKRE, J.]