



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10145 OF 2022

Mahendraprasad Rajeshkhar Kamle ... Petitioner
V/s.

Scheduled Tribe Certificate Scrutiny ... Respondent
Committee through its Member
Secretary

Mr. Sushant Y. h/f Mr. P.V. Jadhavar for petitioner.

Ms. S.S. Bhende – AGP for respondent / State.

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

DATE : 4th OCTOBER 2023.

ORAL JUDGMENT : (PER SUNIL B. SHUKRE, J)

1. Heard.

2. Rule. Rule made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.

3. We find that there are some important documents which were of pre-constitutional period, which are at page nos. 36, 37, 38, 39 and 40, which learned counsel for petitioner states were submitted to the Scrutiny Committee but, have not been considered at all by the Scrutiny Committee. These documents being of pre-constitutional period, have their own significance and ought to have been

appropriately considered by Scrutiny Committee by evaluating their evidentiary worth. This has not been done by the Scrutiny Committee, as seen from the impugned order. Of course, there have been certain validities granted in the paternal family of the petitioner, but there is also an invalidation of one of the members of the paternal family of the petitioner by the Scrutiny Committee. Even then, the documents which are of pre-constitutional period do not lose any significance and they deserve their appropriate consideration while assessing the evidence on record by the Scrutiny Committee. As the Scrutiny Committee has ignored these documents, we find that the impugned order has become perverse in the sense that it fails to consider the relevant documents.

4. In the result, the petition is allowed. The interim order is hereby quashed and set aside. The matter is remanded back to respondent for a fresh consideration and decision on the tribe claim of the petitioner in accordance with law.

5. We direct the Scrutiny Committee to consider relevant material including pre-constitutional documents available on record and also those documents which may be additionally filed by the petitioner for which purpose we grant leave to the petitioner.

6. We also direct the Scrutiny Committee to grant hearing to the petitioner before taking its final decision in the matter. We further direct the Scrutiny Committee to decide afresh the tribe claim of the petitioner in accordance with law, latest by 19th October 2023.

7. Rule is made absolute in the above terms.

8. Petition is disposed of.
9. Parties to act on an authenticated copy of this order.

(FIRDOSH P. POONIWALLA, J)

(SUNIL B. SHUKRE, J)