

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10760 OF 2023

Akshay s/o Kumar Pawar,

Age – 20 years, Occupation : Student,

R/o Dikasal, Tq. Indapur,

Dist. Pune.

.. Petitioner

Vs.

1. The State of Maharashtra

Department of Tribal Development,

Mantralaya, Mumbai – 32.

Through its Secretary.

2. The Scheduled Tribe Certificate Scrutiny

Committee, Pune Division,

5th Floor, C-Wing, Kapil Towers,

Near RTO Office, Pune,

Through its Member Secretary.

....Respondents

- Mr. M.S. Deshmukh h/f. Mr. Sushant C. Yeramwar, for the Petitioner.
- Mr. S.B. Kalel, AGP for Respondent Nos.1 & 2–State.

CORAM : SUNIL B. SHUKRE &

FIRDOSH P. POONIWALLA, JJ

DATE : 30th AUGUST, 2023

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

1. Heard. Rule. Rule made returnable forthwith by consent of

learned counsel for the respective parties.

2. It is seen from the Vigilance Enquiry Report that the Vigilance Officer had laid his hands on certain validity certificates and also the certificates for invalidating the names of the persons who, in the opinion of the Vigilance Officer, were blood relatives of the petitioner. These certificates of validation or invalidation, as seen from the impugned order, have not been considered in any manner by the Scrutiny Committee except for the validity certificate of Rajendra Satishrao Pawar which has been rejected by it. The Scrutiny Committee in particular, has failed to consider the certificates of validity issued in favour of such blood relatives as Anand Ravindra Pawar, Avdhoot Pramod Pawar, Santosh Murlidhar Pawar, Sandeep Shamrao Pawar, Priti Anil Pawar and Pratik Anil Pawar also the orders of rejection of claim of the other blood relatives of the petitioner like Priti Anil Pawar and Pratik Anil Pawar. In our view, these certificates and orders constitute together an important piece of evidence in a matter like this, and therefore, can never be ignored by the Scrutiny Committee while considering the claim of a person as he belonging to a particular tribe, which is "Thakar" Scheduled Tribe.

3. The impugned order, therefore, would have to be termed as an order which is perverse and as such it deserves to be quashed and set aside with following directions.

- (i) The Petition is allowed.
- (ii) The impugned order dated 17.08.2023 passed by Respondent No.2-Committee is hereby quashed and set aside.

(iii) The matter is remanded back to Respondent No.2 for fresh consideration of the claim of petitioner that he belongs to “Thakar” Scheduled Tribe in accordance with law.

(iv) The petitioner is at liberty to file fresh documents including fresh affidavit before Respondent No.2-Committee.

(v) Respondent No.2-Committee shall take into consideration the Vigilance Enquiry Report and other documentary evidence already available before it and is also at liberty to call for further additional Vigilance Enquiry Report in the matter.

(vi) Petitioner to appear before Respondent No.2-Committee on 04.09.2023 at 11.30 p.m.

(vii) Respondent No.2-Committee shall decide the claim of the petitioner in accordance with law at the earliest and preferably within a period of four weeks from the date of appearance of the petitioner before Respondent No.2-Committee.

4. Rule is made absolute in the above terms.

5. Writ Petition is disposed of. No costs.

[FIRDOSH P. POONIWALLA, J.]

[SUNIL B. SHUKRE, J.]