



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.2894 of 2017

Usha Kedarnath Tikas

Versus

The Scheduled Tribe Certificate Scrutiny Committee and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri S.P. Bhandarkar, Counsel for Petitioner.

Shri A.A. Madiwale, Assistant Government Pleader for Respondent No.1.

CORAM : A. S. CHANDURKAR AND ABHAY J. MANTRI, JJ.

DATE : 25th OCTOBER, 2023.

1. Rule. Rule made returnable forthwith and heard the learned counsel for the parties.
2. The petitioner is aggrieved by the order passed by the Scrutiny Committee on 24-3-2017 rejecting her claim of belonging to 'Halba Scheduled Tribe'. In support of such claim, the petitioner relied upon various old documents of the year 1956 related to her father which had the entry 'Halba'. The Scrutiny Committee obtained the report from the Vigilance Cell and in that report, reference is made to a document of the year 1961 relating to her uncle having the entry 'Koshti'. It is on this basis the petitioner's claim has been invalidated.
3. After hearing the learned counsel for the parties and after perusing the record of the Scrutiny Committee, it is seen that the petitioner was under the apprehension that her services were adjusted against a post that was kept for a candidate from the open category. For that reason, the petitioner submitted a letter on 10-9-2009 to the Scrutiny Committee stating therein that since her service had been protected, she did not desire to prosecute her tribe claim. After referring to the said letter, the Scrutiny Committee has invalidated the tribe claim of the petitioner and directed cancellation of her tribe certificate as belonging to 'Halba Scheduled Tribe'. We find that after the report of the Vigilance Cell was submitted and an opportunity was granted to the petitioner to file reply thereto, the petitioner did not file her reply. Since the petitioner now

desires to prosecute her claim which has been recorded in the order dated 5-10-2023, the following order would serve the ends of justice :

ORDER

(i) The order dated 24-3-2017 passed by the Scrutiny Committee is set aside. Since the petitioner desires to prosecute her claim, the Scrutiny Committee shall serve the copy of the report of the Vigilance Cell to the petitioner within a period of four weeks from today.

(ii) After receiving the copy of the report of the Vigilance Cell, the petitioner shall submit her reply to the same within a period of four weeks.

(iii) Thereafter the Scrutiny Committee shall conduct the verification proceedings in accordance with the procedure prescribed and decide the claim of the petitioner in accordance with law after giving her due opportunity.

(iv) The *ad interim* relief that was granted on 9-5-2017 shall continue to operate till the claim of the petitioner is decided by the Scrutiny Committee.

4. Keeping all points raised in the writ petition, the writ petition is disposed of. Rule accordingly. No order as to costs.

(ABHAY J. MANTRI, J.)

(A. S. CHANDURKAR, J.)