



Jday Jagtap

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

WRIT PETITION NO. 5431 OF 2022

Sargam Raghunandan Parate

.. Petitioner

V/s.

Scheduled Tribe Certificate Scrutiny
Committee, Nagpur Through its
Vice Chairman, Nagpur

.. Respondent

.....

Mr. A.A. Dhawan for the petitioner

Mr. N.S. Rao, AGP for the respondent – State

.....

CORAM : PRITHVIRAJ K. CHAVAN &
URMILA JOSHI-PHALKE, JJ.

DATE : 17th OCTOBER, 2023.

P.C.

1. Rule. Rule is made returnable forthwith.
2. Learned APP waives service.
3. This Court in Writ Petition No. 4734 of 2023 has passed the following order.

“ Rule. Rule is made returnable forthwith.

*Ms. S.S. Jachak, learned Assistant Government Pleader
waives service of notice for respondent.*

*2. Writ Petition No. 5096/2021 (Raghunandan Dashrath
Parate Vs. State of Maharashtra and Ors.) has been decided*

today. That writ petition has been preferred by the petitioner's father challenging the order passed by the Scrutiny Committee on 03.06.2020 invalidating his claim of belonging to 'Halba' Scheduled Tribe. The said order dated 03.06.2020 has been set aside and the proceedings have been remanded to the Scrutiny Committee for fresh consideration.

3. Since the present petitioner relies upon the same set of documents that are relied upon by her father, for reasons assigned in the judgment passed in Writ Petition No.5096 of 2021, the following order is passed:

(i) The order dated 08.11.2021 passed by the Scrutiny Committee, Nagpur is quashed and set aside.

(ii) The proceedings are remanded to the Scrutiny Committee, Nagpur for considering the petitioner's claim alongwith the claim of her father in terms of the directions issued in Writ Petition No. 5096 of 2021.

(iii) The petitioner shall appear before the Scrutiny Committee on 13.10.2023 and the process of adjudication be completed within a period of four months from that date.

4. Rule is disposed of in aforesaid terms with no order as to costs."

4. The petitioner herein being the real brother of the petitioner in Writ Petition No. 4734 of 2023, submits that this petition also needs to be remanded to the Scrutiny Committee for consideration and for passing necessary orders in light of the directions issued by this Court in Writ Petition No. 4734 of 2023.

5. This Court even in Writ Petition No. 5096 of 2021 (Raghunandan Dashrath Parate Vs. State of Maharashtra & Ors.) had already mentioned in para 2 of Writ Petition No. 4734 of 2023,

wherein the same has been remanded to the Scrutiny Committee by setting aside the order of the Scrutiny Committee dated 03.06.2020.

6. It appears that the petitioners in Writ Petition No. 4734 of 2023 and Writ Petition No. 5096 of 2021 are blood relatives of the present petitioner.

7. In that view of the matter, the impugned order dated 29th October 2020 is quashed and set aside.

8. The matter is remanded to the Scrutiny Committee, Nagpur, who shall consider the petitioner's claim along with claims of the other petitioners stated hereinabove.

9. The petitioner shall appear before the Scrutiny Committee on 25th October, 2023.

10. The Scrutiny Committee, thereafter shall complete the process of adjudication within a period of six weeks.

11. Rule is disposed of in aforesaid terms with no order as to costs.

(URMILA JOSHI-PHALKE, J.)

(PRITHVIRAJ K. CHAVAN, J.)