

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

WRIT PETITION NO. 4520/2021

(SUNITA MANIKRAO BANNE **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's order

Shri A.I. Sheikh, counsel for the petitioner.
 Shri S.M. Ghodeswar, Assistant Government Pleader for the R-1 & 2.
 Shri M.G. Sarda, counsel for the R-3.

CORAM : A. S. CHANDURKAR AND MRS.VRUSHALI V. JOSHI, JJ.

DATE : JANUARY 18, 2023.

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RULE. Rule made returnable forthwith and heard finally in view of the short issue involved.

The petitioner challenges the order passed by the Scrutiny Committee on 15.09.2021 invalidating her claim of belonging to 'Mannewar' Scheduled Tribe. *Inter alia*, it is submitted by the learned counsel for the petitioner that the document indicating the admission taken by the petitioner's uncle in the school on 20.06.1946 with the entry 'Telugu-Mannewar' has not been considered. In addition, it is pleaded in paragraph 14 of the writ petition that after the order was passed by the Scrutiny Committee the petitioner has received old documents of the years 1936, 1939 and 1946 of her close relatives with the entry 'Mannewar'. It is thus submitted that on consideration of these documents the claim of the petitioner would be established.

We find that the document indicating admission of the petitioner's uncle on 20.06.1946 was before the Scrutiny Committee and also referred to by the petitioner while replying to the Vigilance Cell report. The other documents now obtained by the petitioner are also of the pre-Constitutional period having probative value subject to establishing the relationship by the petitioner with such persons. In these facts, we find that the petitioner deserves to be granted an opportunity to substantiate her claim of belonging to 'Mannewar' Scheduled Tribe before the Scrutiny Committee. Only for that purpose, the order dated 15.09.2021 passed by the Scrutiny Committee is liable to be set aside so as to enable the Scrutiny Committee to re-consider the petitioner's case.

According, the following order is passed :-

The order dated 15.09.2021 passed by the Scrutiny Committee invalidating the petitioner's claim of belonging to 'Mannewar' Scheduled Tribe is set aside. The proceedings are remanded back to the Scrutiny Committee with liberty to the petitioner to submit additional documents in support of her claim. To enable such adjudication the petitioner shall appear before the Scrutiny Committee on 06.02.2023. The claim of the petitioner be decided by the Scrutiny Committee in accordance with law and after giving an opportunity to the petitioner within a period of nine months from the first appearance of the petitioner before the Scrutiny Committee. Other challenges raised on merits are kept open for being urged before the Scrutiny Committee.

The writ petition is disposed of in aforesaid terms. Rule accordingly. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

APTE