

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

Writ Petition No.8083 of 2019

Maya D/o Pandurangji Khadgi

Versus

The State of Maharashtra and others

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

Court's or Judge's order

Ms Smita Dashputre, Counsel for Petitioner.

Ms N.P. Mehta, Assistant Government Pleader for Respondent Nos.1 and 4.

Shri D.R. Bhoyar, Counsel for Respondent Nos.2 and 3.

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

DATE : 8th AUGUST, 2023.

P. C. :

1. Rule. Rule made returnable forthwith and heard the learned counsel appearing for the parties.
2. The challenge raised in this writ petition is to the show cause notice dated 22-11-2019 that has been issued by the Chief Executive Officer, Zilla Parishad, Wardha. By the said notice, action was proposed against the petitioner for failing to submit the validity certificate as belonging to 'Halba' Scheduled Tribe.
3. On the previous occasion, the learned counsel for the respondent Nos.2 and 3 was directed to take instructions with regard to the status of the petitioner's claim for verification. On instructions, it is submitted by the learned counsel for the Zilla Parishad that the record of the petitioner's proposal as forwarded to the Scrutiny Committee is not traceable. On the other hand, the learned Assistant Government Pleader for the respondent Nos.1 and 4 submitted that the Committee is not in a position to verify the petitioner's claim for want of record.
4. In the facts, the following directions would serve the interest of justice :
 - (i) Within a period of two weeks from today, the petitioner shall submit all her documents including her caste certificate in the office of the Chief Executive Officer, Zilla Parishad, Wardha.

(ii) On receiving the said documents, the Chief Executive Officer, Zilla Parishad, Wardha shall forward the same to the Scrutiny Committee for verification in accordance with law.

(iii) Till the claim of the petitioner is decided, the show cause notice dated 22-11-2019 shall not be acted upon and the same shall remain in abeyance.

(iv) The claim of the petitioner shall be decided within a period of one year from receiving such proposal from the Zilla Parishad.

5. With these directions, the writ petition is disposed of. Rule accordingly.
No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR