



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 WRIT PETITION NO. 6027 OF 2024

SHRADDHA VITTHALRAO DESHATWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

...
Advocate for petitioner : Mr. S.M. Vibhute
AGP for the respondent – State : Mr. S.P. Joshi
Advocate for respondent no. 5 : Mr. S.B. Pulkundwar
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 30 JULY 2024

ORAL ORDER (MANGESH S. PATIL, J.) :

Heard both the sides.

2. The petitioner is challenging the order of invalidation.
3. The committee has pointed out that the petitioner's father - Vitthal and paternal uncle - Venkat Balaji had obtained validities by referring to the validity of one Maroti Iranna Deshatwad. The committee has also pointed out that incompatible genealogy was withdrawn by Maroti and the petitioner's second degree cousin – Shriniwas.
4. Learned advocate for the petitioner submits that though there cannot be dispute about the incompatibility of the genealogy, the

correct genealogy needs to be looked into. He would submit that the genealogy furnished by the petitioner's father before the committee (**Exhibit – B**) on affidavit is the correct genealogy. He would submit that Nagnath Deshatwad was the common ancestor. He was survived by three sons Ramanna , Malanna and Vitthal. The petitioner is from the branch of Vitthal Nagnath whereas Shriniwas is from the branch of Malanna Nagnath.

5. In order to substantiate his submission, he would advert our attention to the revenue record in the form of Pahani Patrak wherein all the three sons of Nagnath i.e. Ramanna, Malanna and Vitthal have been shown to be *hissedars* of equal portion. However, he admits the fact that this revenue record was not before the committee which passed the impugned order. He would submit that since in the vigilance enquiry, Shriniwas was expressly referred to as a distant cousin of the petitioner, the petitioner had no occasion to dispute the stand of the committee which was still to be expressed and has been expressed directly in the impugned order. Had there been an occasion for the petitioner to anticipate that the committee was entertaining some doubt about the relationship between Shriniwas and the petitioner, he could have produced revenue record as well.

6. As it is, the petitioner's father's certificate of validity has been revoked. He had challenged that order and this Court remanded the matter back to the scrutiny committee. Learned advocate for the petitioner, therefore, submits that the matter may be remanded to the committee so that the petitioner can produce the revenue record to substantiate her claim.

7. Indeed, when the vigilance officer had not expressed any doubt as regards the relationship between Shriniwas and the petitioner, the observations of the committee entertaining a doubt about it apparently seems to be a decision behind the petitioner's back.

8. Be that as it may, since it is an enquiry into the validity of the claim, it is not an adversarial litigation. The petitioner cannot be deprived of an opportunity to once again go back to the committee and to satisfy it by leading cogent evidence.

9. Writ petition is allowed partly.

10. The impugned judgment and order is quashed and set aside.

11. The matter is remanded back to the scrutiny committee for decision afresh by extending opportunity to the petitioner to lead evidence. If necessary, the committee may resort to vigilance enquiry.

12. The petitioner shall appear before the committee on 5 August 2024 and the committee shall thereafter decide the proposal of the petitioner, as expeditiously as possible and in any case within four (4) weeks.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/