



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

965 WRIT PETITION NO. 6817 OF 2024

VAIBHAV RAJENDRA KOLI
VERSUS
THE STATE OF MAHARASHTRA DEPARTMENT OF
TRIBAL DEVELOPMENT AND ANOTHER

...
Advocate for petitioner : Mr. Mahesh S. Deshmukh i/by Mr. B.S. Deshmukh
AGP for the respondent – State : Mr. R.S. Wani
...

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

DATE : 12 JULY 2024

PC :

We have heard both the sides.

2. The petitioner is challenging the order of invalidation.
3. Learned advocate for the petitioner would point out that in spite of petitioner's paternal uncle who was possessing certificate of validity and the committee had initiated a proceeding for recalling it by serving him the notice to show cause and he having put up a challenge in writ petition no. 11828 of 2019. Though this Court by order dated 25-09-2019 had expressly directed that the matter could be proceeded further but no final order shall be passed, the committee in the impugned judgment and order, has made certain observations which would demonstrate that flouting this order, the committee has

proceeded to pass the final order in the matter of paternal uncle and is now attributing petitioner with *mala fides* in approaching the committee and relying upon that validity.

4. He would further submit that independently, the petitioner has been relying upon a pre-constitutional birth and death record in form no. 14 of village Dhamangaon, Taluka – Jalgaon, which is in modi script. He has got it translated from a curator of I.V.K. Rajwade Sanshodhan Mandal, Dhule and the matter may be remanded so that the petitioner can make an attempt to derive the benefit from old record which is in modi script.

5. Learned AGP submits that the interim order that was passed in the matter of Chudaman Sapkale against the show cause notice, was not continued beyond 23 March 2020.

6. Considering the fact that irrespective of the dispute regarding the order recalling the validity granted to Chudaman Chhannu Sapkale i.e. petitioner's paternal uncle, if the petitioner wants to substantiate his claim based on some new evidence, opportunity cannot be denied. It would be always open for the committee to undertake a fresh scrutiny even in respect of the documents to be produced and if necessary, by resorting to the vigilance enquiry.

7. In the light of above without expressing any opinion on the merits of the matter in deciding the matter of Chudaman Sapkale in spite of the interim order passed by this Court inter alia, the writ petition is allowed partly. Impugned order is set aside, remanding the matter back to the committee for adjudication by extending an opportunity to the petitioner, to lead additional evidence and if the committee would so intend, by conducting fresh vigilance enquiry.

8. The petitioner shall appear before the committee on 22 July 2024 and the committee shall thereafter decide the proposal as expeditiously as possible and in any case within six weeks thereafter.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/