



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

17 WRIT PETITION NO. 12170 OF 2021

Shailesh Ashok Jakulwar

VERSUS

The State Of Maharashtra And Another

...

Advocate for the Petitioner : Mr. P.V. Jadhavar

AGP for Respondents: Mr. S.K. Shirse

...

AND

18 WRIT PETITION NO. 12173 OF 2021

Pandurang Ashok Jakulwar

VERSUS

The State Of Maharashtra And Another

...

Advocate for the Petitioner : Mr. P. V. Jadhavar

AGP for Respondents: Mr. P.S. Patil

...

**CORAM : SMT. VIBHA KANKANWADI
AND
S. G. CHAPALGAONKAR, JJ.**

Dated : January 15, 2024

COMMON ORDER :-

1. Present petitions have been filed challenging invalidation of the claims of the petitioners for “Koli Mahadev” notified and recognized as Scheduled Tribe.
2. Heard learned advocate for the petitioner and the learned AGP

3. Learned advocate for the petitioner submitted that respondent no.2-Committee had issued show cause notice for explaining contra entries and asked them to remain present on 5.2.2021. Accordingly, they presented themselves before the Committee, however, next date was given as 12.2.2021. However, they remained absent. They remained absent on further dates also. But it was on account of their illness due to Corona [Covid-19]. Petitioners as well as their family members were then suffering. They submit that a chance be given to the petitioners to explain contra entries in view of the fact also that petitioner's father has been granted validity.

4. In view of the said fact that though chance was given to the petitioners, they remained absent, which they now attributes to illness, we are of the opinion that a chance is required to be given to the petitioners. Under the said circumstance, following order is passed :-

ORDER

- i. The impugned order dated 28.6.2021 passed by the respondent no.2 is hereby quashed and set aside.
- ii. Matter is restored to respondent no.2-the Scheduled Tribe Certificate Scrutiny Committee, Aurangabad.
- iii. Respondent no.2 to again give a chance to the petitioners to explain contra entries.
- iv. Petitioners to appear before the respondent no.2-the Scheduled Tribe Certificate Scrutiny, Aurangabad Committee on **25.1.2024**, if possible

with the reply and then shall take active part in further proceeding.

- v. The respondent no.2 may give reasonable opportunity to the petitioners to explain contra entries.
- vi. If they fails to submit say on 25.1.2024, respondent no.2 to decide the claim on it's own merits.
- Vii. Writ Petitions are disposed off.

(S. G. CHAPALGAONKAR, J.) (SMT. VIBHA KANKANWADI, J.)

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AAA/-