



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12851 OF 2024

SARWARKHAN GULABKHAN PATHAN
VERSUS

1. STATE OF MAHARASHTRA THR. PRINCIPAL SECRETARY TRIBAL
DEVELOPMENT DEPARTMENT, MANTRALAYA, MUMBAI – 32
2. SCHEDULED TRIBE CERTIFICATE SCRUTINY COMMITTEE,
AURANGABAD THR. ITS MEMBER SECRETARY
3. COMMISSIONER OF POLICE, H.Q. BRIHAN MUMBAI, CHHATRAPATI
SHIVAJI TERMINUS AREA FORT MUMBAI 400 001

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Advocate for the Petitioner : Mr. Phatale Sagar S.
AGP for Respondents: Mr. R.S. Wani
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CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.

DATE : 04.12.2024

PER COURT:

The petitioner is challenging the order of the respondent - Scrutiny Committee refusing to validate his 'Tadvi' scheduled tribe certificate.

2. We have heard both the sides for a while.

3. It appears that the petitioner has been relying upon a document in Urdu in the form of a Nikha Nama of 1359 Fasli. Though it appears that the petitioner had tendered it along with an application and there is an acknowledgment of the inward and outward clerk of the office of the respondent – Scrutiny Committee dated 26.04.2023, there is

neither any reference leave alone discussion in the impugned order touching this Nikha Nama. The learned AGP, on instructions, and after going through the original file of the Committee confirms the fact that the copy of the Nikha Nama is not available on the record. Perhaps that is the reason why the Committee has not considered its worth.

4. Be that as it may, since it is a matter of social statues and the petitioner has in his possession a document of 1359 Fasli corresponding to 1949 AD, it would be appropriate that the impugned order is quashed and set aside and the Committee is directed to undertake a fresh scrutiny in the light of this Nikha Nama, if necessary by resorting to a fresh vigilance/additional inquiry.

5. The writ petition is allowed partly. The impugned order is quashed and set aside. The matter is remanded back to the respondent – Scrutiny Committee for decision afresh in the light of the above observation. The petitioner shall appear before the Committee on 13.12.2024 and the Committee shall thereafter complete the inquiry and decide the proposal/claim, as expeditiously as possible, and in any case within six weeks thereafter.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)