



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

WRIT PETITION NO. 14177 OF 2023

Rameshwar Gajanan Chandewar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sagar S. Phatale, Advocate for the Petitioner.

Shri D. R. Korde, A.G.P. for the Respondent Nos. 1 and 2.

Shri N. S. Tekale, Advocate for the Respondent No. 3.

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

DATE : 01 JULY, 2024.

FINAL ORDER :

. Heard both the sides finally.

2. Petitioner has been challenging decision of the respondent/Scrutiny Committee taken in the proceedings filed U/Sec. 7 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes And Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Maharashtra Act No. XXIII of 2001 thereby confiscating and cancelling his tribe certificate as belonging to 'Mannervarlu' (Scheduled Tribe).

3. It is being pointed out that the petitioner had tendered

certain additional documents with a genealogy on 20 September 2023 and again on 27 September 2023, however, those documents have not been considered by the Scrutiny Committee before passing the order.

4. Learned Assistant Government Pleader Mr. Korde submits that the matter was reserved for passing order after concluding the hearing and in the mean time additional reply/documents were produced with inward section and that must have resulted in documents having not been considered.

5. Bearing in mind the fact that this is not an adversarial litigation and the additional documents sought to be produced were pre-constitution, it would be appropriate that the petitioner gets sufficient opportunity to substantiate his claim by leading additional evidence, which in turn would extend an opportunity to the Scrutiny Committee to pass a fresh order after due consideration of the documents being sought to be produced, if necessary by resorting to additional vigilance enquiry.

6. Considering the fact that petitioner had appeared at NEET-UG-23, when petition was filed and even now has appeared and has a score in NEET-UG 2024, it would be appropriate that the Committee decides the proposal at the earliest by extending an opportunity.

7. Writ petition is partly allowed. Impugned order is quashed

and set aside. Matter is remanded back to the Scrutiny Committee for deciding afresh by extending an opportunity to the petitioner to adduce additional evidence. He shall appear before the Committee on 03 July 2024 and tender additional evidence/documents to the committee and shall not leave it with the inward section. The Committee may decide the proposal thereafter within a period of four (04) weeks and if necessary and thinks fit by resorting to additional vigilance enquiry to the extent of those documents which are being produced additionally.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/July 24