



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3841/2013

Ku. Premlata D/o Manoharrao Sonparote Vs. State of Maharashtra,
through its Chief Secretary, General Administration Department and
others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. R.S. Parsodkar, Advocate for petitioner
Mr. A.M. Joshi, AGP for Respondent / State

CORAM: AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ.

DATED : 4th JANUARY, 2024

This petition questions the cancellation of validity of the petitioner for the caste Halba Koshti in view of the judgment in **2001(1) Mh.L.J. 1 State of Maharashtra Vs. Milind Katware**. It is, however contended, that even if the tribe claim of the petitioner for the Halba Koshti goes, however, the petitioner would be entitled to claim benefit of she belonging to Halbi Scheduled Tribe, as according to the petitioner, the oldest document of 1939 at page 32 indicates that the ancestors of the petitioner belong to Halbi, which is a Scheduled Tribe under the entry 19 of the Presidential Order. He, therefore, submits that opportunity in this regard needs to be accorded to the petitioner.

2. In that view of the matter, the petition is disposed of by permitting the petitioner to raise a claim of her belonging to Halbi Scheduled Tribe, as according to her that was the original claim raised in the application for grant of a validity certificate. The matter is accordingly remanded to the respondent No.2 to consider the claim of the petitioner as applicable in this regard.

3. The petitioner to appear before the respondent No.2 on 22nd January, 2024. The respondent No.2 shall decide the claim of the petitioner for Scheduled Tribe Halbi within a period of three months today.

4. Till 10th April, 2024, the services of the petitioner shall stand protected.

(SMT. M.S.JAWALKAR J.)

(AVINASH G. GHAROTE, J.)