



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 4535 OF 2022

(Asha Janardan Nandanwar.Vs.. The State of Maharashtra and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.N. Ghuge, Advocate for petitioner,
Ms. N.P. Mehta, Additional Government Pleader for respondents.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 15-07-2024

Heard.

2. The challenge in the petition is to the order dated 9.6.2022 passed by the respondent No.2 Caste Scrutiny Committee whereby the tribe claim of the petitioner of belonging to "Halbi" (Scheduled Tribe) came to be negated.

3. The order of negation is based on two adverse entries - one in relation to the son born to grandfather of the petitioner on 21.9.1920 and second - an entry in the death certificate in relation to Ramji Dewaji as regards death caused on 28.10.1920 wherein caste is recorded as "Koshti".

4. As far as aforesaid both documents are concerned, it is the stand of the petitioner in response to the Vigilance Cell Report that those people are not related to the petitioner.

5. In order to justify her claim, the petitioner has

drawn our attention to the documents, which are collected and relied on by the Vigilance Cell in relation to Harbaji of 30.9.1929, in relation to brother of the petitioner, namely Kishor born to Janardhan on 8.4.1956, the entry of Janardhan in Dakhal Kharij Register of 21.6.1934 and the entry in relation to Chandrashekhar of 25.4.1955 in Dakhal Kharij Register.

6. If the entries in the documents of 1920 are considered as against the interest of the petitioner, then the Committee, in such eventuality, ought to have discarded the entries in relation to father of the petitioner of 21.6.1934 i.e. extract of Dakhal Kharij Register. In the said school record, the father of the petitioner is shown to have been born in 1927 whereas the document of 1920 in relation to grandfather Hari indicates that he was born in 1920. So either of these entries is correct. While dealing with both these entries, it was expected of the respondent Committee to deal with the same in a greater clarity.

7. What can be noticed from the impugned order is that in a most cryptic manner and without considering the documents, which are placed on record and discussion about the same, an unreasoned order is passed by the Committee, which is impugned in the petition.

8. The stand of the petitioner is that the entry of 1920 not being related to her should have been dealt with a greater clarity in the order impugned in the light

of the subsequent entries of Halbi of 1934 and 1955.

9. The Committee has failed to deal with the same.

10. As such, the order of the Committee can be said to be suffering from non application of mind and in violation of Article 14 of the Constitution. That being so, the impugned order is held to be non-sustainable and as such, the same is quashed and set aside. The petition stands partly allowed.

11. We direct the petitioner to appear before the Committee on 5.8.2024 with her written note based on both the Vigilance Cell Reports of 2017 and 2021.

12. The Committee shall deal with the claim of the petitioner afresh and pass an order in accordance with law as expeditiously as possible.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Belkhede