

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3537 OF 2016

Mrs. Snehal Sunil More

...Petitioner

Versus

State of Maharashtra & Ors.

...Respondents

Mr. R.K. Mendadkar, a/w Mr. C.K. Bhangoji, for the Petitioner.

Mr. A.I. Patel, AGP, for Respondents No. 1 to 3.

Mr. Milind B. Patil (Law Officer) of Respondent No. 2.

CORAM : ANOOP V. MOHTA &
A.A. SAYED, JJ.

DATE : 4th May 2016

ORDER :

1. Heard forthwith finally by consent of the parties.
2. Learned Counsel appearing for the Petitioner has pointed out the Division Bench Judgment of this Court in case of Mangesh Vs. District Collector, Satara¹, whereby the Government Resolution dated 30th July 2011 was declared invalid and accordingly it is observed as under :-

¹ 2012 (5) *Mh.L.J.* 473

“In the result we direct as under :

- (i) The Government Resolution dated 30-7-2011 is quashed and set aside.*
- (ii) It is declared that the composition of the scrutiny committees constituted by the State of Maharashtra by the Government Resolution dated 30-7-2011 is not backed by law and is contrary to the judgment of the Apex Court in the case of Madhuri Patil Vs. Additional Commissioner, Tribal Development, reported in 1997(5) SCC 437 and the validity certificates issued by such committees will have no force of law and are void ab initio.*
- (iii) It is declared that the validity certificates issued by the Scrutiny Committees without calling for the report from vigilance cell, being a mandatory requirement of law, cannot be considered as valid in the eyes of law and suffer from jurisdictional error which goes to the root.*
- (iv) We direct the State Government to ensure that all the original certificates issued by the specially constituted Scrutiny Commissioner under the Government Resolution dated 30-7-2011, are recovered from the respective persons and are destroyed forthwith. This shall be done within three months from today.”*

3. The submission is made by the learned Counsel appearing for the Petitioner that in view of above, the decision taken

by the Caste Scrutiny Committee against the Petitioner itself is bad in law as same Committee has passed the impugned order which was constituted based upon the Resolution dated 30th July 2011. The learned AGP does not dispute this position.

4 . In the circumstances, we pass the following order :-

- (a) The impugned order dated 30th January 2012 passed by the Caste Scrutiny Committee is quashed and set aside.
- (b) The Petitioner's case be considered in accordance with law by the regular Caste Scrutiny Committee.
- (c) All points and contentions kept open. No costs.

[A.A. SAYED, J.]

[ANOOP V. MOHTA, J.]