

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.4527 OF 2016**

Usha Mahadeo Jadhav @ Usha  
Tukaram Shinde

...Petitioner

vs.

State of Maharashtra and Others

...Respondents

Mr. R.K. Mendadkar a/w. Mr. C.K. Bhangoji, for the Petitioner  
Mrs. M.P. Thakur, AGP for Respondent Nos. 1 to 6.

ORDER RESERVED ON : JUNE 27, 2016

ORDER PRONOUNCED ON : **JUNE 30, 2016**

CORAM : SHANTANU KEMKAR &  
MAKARAND KARNIK, JJ.

**PC.:**

1. The Petitioner has filed this Petition challenging the order dated 11<sup>th</sup> January, 2016 passed by the Scheduled Tribe Certificate Scrutiny Committee, Pune Division, Pune invalidating her caste certificate, as also the consequential order dated 31<sup>st</sup> March, 2016 passed by the Collector, Satara thereby disqualifying the Petitioner as a Member and Sarpanch of village panchayat in terms of Section 10(1)(a) of the Maharashtra Village Panchayat Act, 1958.

2. According to the Petitioner, before passing the impugned order, the committee has not provided any opportunity of hearing to

her. Her further grievance is that show cause notice along with the copy of the enquiry report conducted by the Vigilance Cell has not served upon her and without seeking her reply the impugned order has been passed by the committee. It is also the case of the Petitioner that while passing the impugned order various documents including the certificate of validity of caste in regard to the Petitioner's sister and brother have been ignored. The school leaving certificate of the Petitioner's father in which there is a mention about the caste has also been ignored.

3. On the other hand, the learned AGP for the State has supported the impugned order.

4. Having considered the submissions made by the parties and having gone through the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003 (for short "Rules") we find that under Rule 12 an elaborate procedure has been prescribed which is to be followed by the Scrutiny Committee. As per the said procedure, the Scrutiny Committee is required to serve upon the report of the Vigilance Cell if it is adverse

to the interest of the applicant along with the show cause notice requiring the applicant to submit representation or reply if any, and then after giving personal hearing the decision is required to be taken. In the present case ignoring the said procedure contained in Rule 12 of the Rules, the impugned order has been passed.

5. In the circumstances, we have no option but to quash the impugned order dated 11<sup>th</sup> January, 2016 passed by the committee and remit the matter back to the Scheduled Tribe Certificate Scrutiny Committee, Pune for deciding the matter afresh by observing the provision contained in Rule 12 of the Rules.

6. As a result of setting aside the impugned order of the committee, the consequential order dated 31<sup>st</sup> March, 2016 passed by the Collector, Satara also stands quashed. The Petition is allowed to the extent indicated above.

(M.S. KARNIK, J.)

(S.S. KEMKAR, J.)