

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

**WRIT PETITION NO. 244 OF 2011
WITH
CA/2940/2015 IN WP/244/2011**

**SATISH NAMDEV GHUGE
VERSUS
THE STATE OF MAH AND ORS**

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Mr.S.R.Barlinge, Advocate i/b. Mr.Sandeep
Deshmukh, Advocate for petitioner
Mr.P.S.Patil, AGP for respondent nos.1 to 3
Mr.M.S.Deshmukh, Advocate for respondent no.4

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**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.
DATE : MARCH 14, 2017**

ORDER :

Heard.

2. Amongst other grounds agitated by
Mr.Barlinge, learned Counsel for the petitioner,
the judgment of the Committee is assailed on the
ground that the Committee was not properly
constituted and was not headed by the Divisional
Commissioner. The learned Counsel places reliance
on the judgment of this Court in the case of
Mangesh Nivrutti Kashid Vs. District Collector,

Satara and ors., 2012(5) Mh.L.J. 473 so also, the judgment of the Apex Court in the case of **Ku. Madhuri Patil Vs. Additional Commissioner, Tribal Development Thane, 1998(1) Bom.C.R.(S.C.) 479.**

3. The learned AGP submits that as per the Rules, the Additional Collector can be the Chairperson of the Committee. The said Rules of have come into force with effect from 31.08.2012. The judgment is delivered by the Committee on 24.12.2010. It nowhere transpires that the said Rules have retrospective effect.

4. In view of the judgment of the Division Bench in the case of **Mangesh Nivrutti Kashid (supra)**, we set aside the impugned judgment and order and relegate the petitioner to the Committee for decision afresh.

5. In the light of the above, we pass the following order :-

(i) The impugned judgment and order passed by respondent no.3 - Committee is quashed and set aside. Respondent no.3 - Committee shall decide the validation proceedings in respect of the tribe of the petitioner afresh, expeditiously, and preferably, within six months from the date of this order. The petitioner shall appear before the Committee on 04.04.2017.

(ii) It is made clear that we have not considered the merits of contentions of either parties.

(iii) The interim protection granted by this Court vide order dated 18.01.2011 shall continue till disposal of the validation proceedings of the petitioner by respondent no.3 - Committee.

(iv) The petition is disposed of accordingly. Pending Civil Application also stands disposed of. No costs.

[SANGITRAO S. PATIL, J.] [S.V. GANGAPURWALA, J.]

kbp