

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2802 OF 2017**

Gahinath Dagadu Buge	}	
Aged 45 years, residing at	}	
Dhanraj Colony, A/1,	}	
Room No. 5, Ashadi Padi,	}	
adjacent to Ganpati Temple,	}	
Ulhasnagar, Dist. Thane.	}	Petitioner
versus		
1. State of Maharashtra	}	
through its Secretary, Tribal	}	
Development Department,	}	
Mantralaya, Mumbai	}	
400 032	}	
	}	
2. Scheduled Tribe	}	
Certificate Scrutiny	}	
Committee, Nashik Division,	}	
Nashik, through its Member	}	
Secretary, having office at	}	
Adivasi Vikas Bhavan,	}	
Gadkari Chowk, Old Agra	}	
Road, Nashik,	}	
District Nashik.	}	
	}	
3. Director, Civil Defence	}	
Maharashtra State, having	}	
its office at Old Secretariat	}	
Bldg. (Annexe), 3 rd floor,	}	
Fort, Mumbai - 32	}	Respondents

Mr. R. K. Mendadkar for the petitioner.

Ms. Neha Bhide - 'B' Panel Counsel for respondent nos. 1 to 3.

Mr. Dayanand Pandhari Jagtap - Joint Commissioner and Vice Chairman, Ms. Jagruti Vishwas Kumare - Deputy Director and Member Secretary and Ms. Amita Pandurang Pillewar - Senior Research Officer and Member of Scrutiny Committee, Nashik present.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- MARCH 8, 2017

ORAL JUDGMENT :- (Per S. C. Dharmadhikari, J.)

1. The petitioner has approached this court in its writ jurisdiction under Article 226 of the Constitution of India, challenging an order passed by the Scheduled Tribe Certificate Scrutiny Committee, Nashik Division, Nashik.

2. The matter has a prolonged history. The petitioner before this court relies upon a certificate issued by the competent authority dated 25th October, 1990, copy of which is annexed as Annexure 'B' to the writ petition, which certifies the petitioner as belonging to Koli Mahadeo Scheduled Tribe. That is issued by Executive Magistrate, Pathardi.

3. The petitioner, relying upon this certificate, sought appointment against a reserved post and in the establishment of the third respondent. The post of Messenger was offered to him and he was appointed thereon on 1st February, 2003 relying upon this certificate.

4. After the petitioner joined the services, this certificate was forwarded for scrutiny and verification at the office of the second respondent. The petitioner's employer forwarded it on 5th December, 2009. The petitioner claims that in pursuance of the scrutiny and verification process provided in the Maharashtra Act 23 of 2001 and the rules framed thereunder, the petitioner appeared before this committee in the first round. He produced several documents and as enlisted in para 6 of this writ petition and copies of which also are annexed to the writ petition as Annexure 'D' collectively.

5. In para 7 of this writ petition, the petitioner states that he also filed copies of caste certificates issued to the blood relatives of the petitioner from the paternal side. The grievance of the petitioner is that despite the voluminous evidence on record, the committee passed an order on 17th March, 2015 invalidating the claim of the petitioner as belonging to Mahadeo Koli Scheduled Tribe, which is not the correct nomenclature as appearing in Scheduled Casts and Scheduled Tribes Order (Amendment) Act, 1976. That order was passed without considering the merits of the case.

6. The petitioner, as a consequence of this order of the committee, approached, once again, the competent authority, who

is in-charge of issuing the caste/tribe certificates. He filled in an application in the prescribed form and in a prescribed manner and requested that authority to certify that he belongs to Koli Mahadeo Scheduled Tribe and as per the nomenclature or description in the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976. Thereupon, the competent authority has now issued a certificate on 26th November, 2015, copy of which is at Annexure 'E' to the writ petition. That states that the petitioner belongs to Koli Mahadeo Scheduled Tribe.

7. In the first round, the petitioner submitted copies of five caste validity certificates in relation to his cousin brothers and which certificates of validity have been granted and issued by the second respondent committee. The petitioner relied upon the said certificates issued to (i) Kiran H. Buge the cousin brother of the petitioner from the paternal side, (ii) Balasaheb Buge, another cousin and in whose favour the caste validity certificate was issued on 2nd July, 2004 and (iii) Chandrashekhar Buge, in whose favour the caste validity certificate was issued on 6th July, 2009. Pertinently, the petitioner claims to have relied also on a caste validity certificate issued to one Santosh Narayan Buge on 27th July, 2004. The petitioner also placed other records.

8. The petitioner complains that despite the above records being furnished so as to assist the committee in scrutinising and verifying his claim based on the earlier and now revised certificate of caste/tribe issued (Annexure 'E'), the committee forwarded the entire material to the Vigilance Cell and sought a report from that cell. That Vigilance Cell attached to the second respondent committee submitted its report on 3rd August, 2011.

9. The grievance of the petitioner is that the second respondent committee, without applying its mind and without issuing any show cause notice, mechanically forwarded the copy of this inquiry report of the Vigilance Cell by enclosing it to a letter dated 22nd October, 2012 addressed to the petitioner. The petitioner replied to this letter on 5th November, 2012 and pointed out that he had submitted documentary evidence of blood relatives from the paternal side as above but in relation to his brothers and sisters the documents are, according to the report, certifying them as Koli. The petitioner furnished an explanation with regard to that by submitting that this may have happened because of lack of education and ignorance, but at the same time, if the petitioner's family is not Koli Mahadeo Scheduled Tribe, but Koli simplicitor, then, it was inconceivable that this very committee issued a validity certificate in favour of Balasaheb Buge. That, according to the petitioner, therefore, belies the

version of the Research Officer as also the contents of the Vigilance Cell report. Hence, the committee should accept the request made.

10. There was a hearing held on 26th February, 2013, at which, the petitioner appeared. He filled up the requisite form and forwarded the details, particularly on the questions and queries regarding socio-cultural affinity. The petitioner has complained in para 16 that he was called in the cabin of the Joint Commissioner of the second respondent-committee on 26th February, 2013. The committee members heard him, recorded his statement, including his answers on the questions about the affinity. Annexure 'K' is the copy of the statement recorded on 26th February, 2013. Since the committee did not decide anything despite such a hearing, the third respondent, for want of caste validity certificate, proposed termination of the services of the petitioner and issued a show cause notice on 8th January, 2015. The petitioner replied thereto by pointing out that the committee has not decided the claim and the petitioner can never be faulted for the inaction or default on the part of the committee. Since the employer desired to terminate the services, the petitioner approached this court by filing a writ petition being Writ Petition No. 822 of 2015. A writ of mandamus was sought to

direct the committee to decide the claim and his services be protected till then. It is on such a writ petition that on 18th November, 2016, a final order was passed by this court, directing the committee to consider and decide the claim of the petitioner on or before 11th January, 2017.

11. It is this exercise, which resulted in the impugned order dated 11th January, 2017.

12. Mr. Mendadkar appearing for the petitioner would submit that the committee's order is ex-facie erroneous and vitiated by total non application of mind. He would submit that the committee has relied upon adverse materials behind his back and without putting him to notice, that they were proposed to be used against him. Mr. Mendadkar submits that the minimal requirement of fairness and justice is that if the committee relies upon some material adverse to the petitioner, then a quasi judicial body should give him an opportunity to explain his position and deny the contents of this adverse material. It is only after such an opportunity is given and a oral hearing that the committee can come to a contrary conclusion or rely upon the adverse material for rejecting the claim of the petitioner. Mr. Mendadkar has made a serious complaint before us by pointing out that the petitioner forwarded the certificate of validity issued

to one of his cousins, namely, Santosh. The committee, concluded that the petitioner has failed to establish that the family tree, as now referred, is the same, which was placed before the committee. In arriving at the conclusion so as to reject the petitioner's claim, the committee observes that the petitioner may rely on several validity certificates issued to the paternal cousins, but one of the blood relatives of the petitioner, namely, Sanjiv Buge was not issued a validity certificate. His claim was rejected on 30th July, 2013. The committee faults the petitioner for not approaching it with clean hands. If the petitioner is guilty of suppression of material facts, then the committee should have put him to notice is the objection of Mr. Mendadkar.

13. Then, the committee has, according to Mr. Mendadkar, committed an error apparent on the face of the record in holding that the petitioner/applicant does not reside in the area declared as a scheduled area by the President of India in his notification. The committee also holds that the petitioner has failed to establish his claim as belonging to Koli Mahadeo Scheduled Tribe. Rather, the committee arrives at a conclusion that the petitioner is Koli. Mr. Mendadkar submits that there is complete silence in the committee's order with regard to the certificates of validity, copies of which were placed before the committee. Mr. Mendadkar

would submit that when the petitioner relies upon an order of the committee in the case of Balasaheb and which was passed by the same committee way back in 2012, it does not even bother to look at this certificate of validity. It relies upon the contrary material and this is nothing but a convenient approach adopted by the committee. Mr. Mendadkar submits that this committee's approach has been commented upon by this court adversely on several occasions. This committee, within the family, makes a strange distinction and holds in several orders that either the father is Scheduled Caste or Scheduled Tribe, but the son is not or the son is, but the father is not. Similarly, in cases of cousins from the paternal side, either the committee grants a certificate of validity to the applicant candidate or to his cousin, but never grants it to both. This creates complete confusion and rather defeats the mandate of the Act 23 of 2001 is the serious complaint of Mr. Mendadkar.

14. At one stage Mr. Mendadkar was prepared to file his personal affidavit with regard to the proceedings conducted by the committee. He submits that the proceedings before them are a total farce and makes a mockery of rule of law.

15. It is in the light of this harsh criticism that we thought it fit to call for the original records in this court. We issued a specific

direction to that effect on the earlier date of hearing. The records have been produced before us. Yesterday when this matter was placed before us and today we have perused this record with the assistance of Ms. Bhide learned 'B' Panel Counsel appearing for respondent nos. 1 to 3. She tried to persuade us and submitted that we should not be unnecessarily critical. She submits that there may be some substance in the complaint of Mr. Mendadkar, but this court should not be unduly harsh, must spare the committee and its members, who are present in court. They accept the mistakes and errors and are ready and willing to correct themselves. On her attention being invited to the specific contention raised in the petition and equally to the copies of the communications from the committee to the petitioner and his reply thereto, she would submit that this court can decide the matter on the basis of the records.

16. That is how the file has been perused by us. The committee is aware that the petitioner is Gahinath Dagadu Buge. The case was received on 8th December, 2009. The papers were handed over to the Vigilance Cell on 16th June, 2010. The Vigilance Cell submitted its report on 30th August, 2011. In the Vigilance Cell report, the Vigilance Officer verifies, according to the committee, the oldest record of the petitioner's real brother Namdev Buge

pertaining to period 1955, in which, the caste is recorded as Hindu Koli. The officer also obtained the school record in relation to the petitioner's real sister. That is of the year 1962 and in which, the caste is recorded as Hindu Koli. It is in these circumstances that the Research Officer remarked that the petitioner could not establish his affinity with genuine Koli Mahadev Scheduled Tribe.

17. Though the committee says as above, on 22nd October, 2012, at a hearing held into the petitioner's claim, it holds that the petitioner did not submit any written explanation on the Vigilance Cell report. However, the petitioner submitted his reply and in which he denied the contents of the report. At the second hearing on 26th February, 2013, though the petitioner was present, but due to transfer of the Member Secretary of the committee, he was again called for hearing before the newly constituted committee on 21st June, 2013. On that day, the committee says, it gave opportunity to the petitioner to submit additional documents. On 30th July, 2013, according to the committee, it passed an order in the case of the petitioner's real cousin brother Sanjiv Baban Buge invalidating his caste/tribe certificate. However, we do not find any reference in the committee's order as to how it derived the relationship between

the petitioner and Sanjiv Buge. Ms. Bhide tried her level best to persuade us by urging that the family tree now relied upon by the petitioner was never before the committee. The genealogy/family tree produced before the committee was different and distinct than the one relied upon. The petitioner does not establish his relationship with Balasaheb, Kiran or Santosh, but we find something strange and indeed perplexing. The petitioner is faulted for not being able to establish his relationship with the validity certificate holders Balasaheb, Kiran and Santosh, but the committee discovers that Sanjiv Baban Buge is the real cousin of the petitioner. Pertinently, the committee never put it to the petitioner that it desires to utilise this adverse material in its possession and against the petitioner in the instant case. It never issued any notice to him that it proposes to rely on the invalidation in the case of Sanjiv Buge. However, in order to exhibit its fairness and impartiality, what the committee has done is to forward the matter again for an inquiry by the Vigilance Cell. That was done on 28th October, 2013 and promptly after the order in Sanjiv's case. Then, what the committee discovers is that the petitioner's tribe certificate does not carry the correct nomenclature and name of the tribe. It cannot be Mahadeo Koli Scheduled Tribe, but it should be Koli Mahadeo Scheduled Tribe. That is how it gives an opportunity to the petitioner to correct his

claim and obtain a correct caste certificate. The petitioner obtained such a correction and that is evident by Annexure 'I' to this writ petition. The committee records in the chronology and placed before us that on 13th November, 2014, the petitioner submitted his additional documents and relied upon the certificates of validity issued to Chandrashekhar Balasaheb Buge and Santosh Narayan Buge without their affidavit and he also relies upon 7X12 extracts. Then, as per the direction of this court in Writ Petition No. 4536 of 2014 and with which the petitioner has absolutely no connection with that the committee feels obliged to consider the claim of the petitioner based on his changed tribe certificate and obtained by him from the competent authority. It relies upon the fact that the tribe certificate was changed and re-submitted for scrutiny and verification. The petitioner, then submitted some new documents pertaining to one Namdev Dagdu Buge and Mangala Keshav Buge and which documents pertain to the year 1964. Then, the committee says that it again handed over the case to the Vigilance Cell to complete the inquiry. It thought that it would be better to obtain the report of the Vigilance Cell on the documents submitted by the petitioner on 13th November, 2014 and 8th January, 2016.

18. With this chronology in mind, document by document, we have perused the file. We find that when the committee proceeds in the above manner and passes an order, which is impugned before us, its record would indicate as to how it proceeded and in tune with the stand taken before this court or otherwise. The record includes a document, which is styled as *Vanshaval*. That says that the ancestor and common is one Malhari. That is how this family is before it. Then, the record contains the proceedings of the hearing held on 6th January, 2017. From the record, it is evident that the committee expresses doubt about the relationship. The petitioner is supposed to be changing his version, according to the committee. That is why the committee, in all fairness, seeks further details from him. However, the petitioner's application in the prescribed form, duly signed and about which there is absolutely no objection nor its contents are questioned, is dated 5th December, 2009. There is a specific column therein, namely, Column No. 17. The applicant has to fill in the details therein. We would like to invite the committee's attention to the title of this column. That is, whether any member of the family has been subjected to any verification and scrutiny of the claim, when, the name of such person and his relationship with the applicant and when such verification and scrutiny was undertaken. In that column, the petitioner states that the

member of the family whose claim was verified and scrutinised by the committee is Babasaheb Dadarao Buge. He explains that he is the real cousin brother and not a distant one. The verification and scrutiny was done on 2nd July, 2004. Then, he says about Kiran Haribhau Buge. This person is supposed to be related to the petitioner once again as real cousin and the verification in relation to his claim was done on 3rd September, 2002.

19. Now, we fail to understand as to how a hyper technical approach/stand is taken by the committee in this court. One of the committee members present in court was bold enough to come forward and keep the advocate aside to explain as to how the committee was justified in not considering anything else other than the invalidation of the claim in the case of Sanjiv Buge done on 30th July, 2013. Pertinently, this over enthusiastic member of the committee provided no answer to the court's query as to why despite the claims of Babasaheb/Balasaheb and Kiran being verified by this committee and way back on 2nd July, 2004 and 3rd September, 2002, the copies of the certificates of validity issued to them have been omitted from consideration. The committee has failed to not only take them into consideration, but even furnish any reasonable explanation before us for the omission. The original record produced before us also contains an affidavit

dated 5th December, 2009 of the petitioner himself. It contains details of the family. Malhari Buge is the common ancestor. Malhari had two sons Ramji and Laxman. Ramji had two sons Namdev and Bhausahab. Namdev's branch includes two sons Dagdu and Bhandas. The petitioner is the son of Dagdu. Laxman's branch contains son Baburao and Baburao has two sons Dadaba and Balasahab. As far as Balasahab Dadaba is concerned, he is wrongly described as Babasahab. The record also includes a certificate of validity issued by the Tribal Research and Training Institute, Maharashtra State, 28, Queens Garden, Pune and which certificate is issued by the Committee for Scrutiny and Verification of Tribe Claims, Nashik Division to Kiran Haribhau Buge. It says that he belongs to Mahadev Koli Scheduled Tribe. He was issued a tribe/caste certificate on 27th August, 1996 by Sub-Divisional Magistrate, Nagar, District Ahmednagar. We also find that there is a school leaving certificate, which is issued to Balasahab Buge and copy of which is very much on record and when it was produced, the Vigilance Cell has remarked on the copy of this school leaving certificate that there is some overwriting. The committee does not deem it fit and proper to inform the petitioner and when he relies upon the certificate issued to Balasahab that it is not satisfied with the contents of this certificate of validity issued to Balasahab.

20. In this fresh round of inquiry through the Vigilance Cell, the committee has obtained relevant and vital information as to how there are overwritings in some of the certificates of validity. Pertinently, the certificate of validity issued to this Balasaheb is dated 2nd July, 2004. That is also in the file. Coupled with that, there is an affidavit filed by Balasaheb. Balasaheb supports the claim of the petitioner before us. Balasaheb relies upon the certificate issued to him. In his affidavit, he says that he has in his possession the certificate of validity from this very scrutiny committee dated 2nd July, 2004. He gives full details including the particulars of that certificate. Pertinently, Balasaheb's affidavit, filed before the committee on 4th August, 2011, is also in the file and which very clearly says that the common ancestor Malhari had two sons Ramji and Laxman. Laxman had one son Baburao and Baburao had two sons Dadaba and Babasaheb. Dadaba has three sons Vishnu, Bhagwan and Balasaheb. In the case of Balasaheb, there is a certificate of validity issued by this very scrutiny committee. Similarly, in the branch of Ramji, he has three sons, namely, Namdev, Sakharam and Bhausahab. One person from Sakharam's branch, namely, Haribhau has also been granted a validity certificate. Haribhau has two sons Kiran and Amol, who have also been issued the caste validity certificates. Each one of them are certified as belonging to Mahadev Koli

Scheduled Tribe. It is, therefore, shocking as to how this entire record before the committee and emanating from its own files is overlooked and one certificate, which has been invalidated on 30th July, 2013, is the material chosen for being used against the petitioner without giving any opportunity to him to explain as to how the other certificates of validity produced by him can be relied upon in the light of this order. The committee, in this case produced this file before us and containing all these documents or certified true copies thereof. They have been placed on record either by the petitioner or have found their way in the records as part and parcel of the report of the Vigilance Cell.

21. It is in these circumstances, that we are unable to accept the argument of Ms. Bhide that the committee's order be sustained. She would submit that there is a genuine and serious doubt about the claim of the petitioner. In one family there are several instances, where certificates of validity have been issued, but the dispute is about the relationship of these validity certificate holders with the petitioner. The Research Officer has also raised serious objections. He has pointed out that the original place of residence of the petitioner is village Jambhli, Post Mohojdewdhe, Taluka Pathardi, District Ahmadnagar. Ordinarily, in this area, this tribe was not found. Similarly, the

petitioner's relatives have surnames as Shejwal, Modiraj, Aalane, Mekle and their place of residence are Nashik, Aurangabad, Dhule, Pathardi etc. These surnames and place of residence are not consistent with Mahadev Koli Scheduled Tribe. Similarly, in the written statement of the petitioner, the petitioner has not been able to correctly describe the deities, gods and goddesses and customs, practices and festivals celebrated by Mahadeo Koli Scheduled Tribe and his answers and explanations are not consistent with the prevailing practices and customs in that tribe. She would also submit that there are other matters such as overwriting and interpolating etc. which would indicate that the claim of the petitioner is not free from doubt and cannot be termed as acceptable or genuine.

22. Ms. Bhide has, therefore, submitted that we should not be unduly critical and harsh on the approach of the committee. It is an error, but committed bonafide. The committee or its members have no personal grudge far from any ulterior motive in denying the claim. She, therefore, has prayed for a remand of this matter to the committee again.

23. Ordinarily we would have granted this request, but we find that the committee's inconsistency and lack of seriousness at least in this case is obvious. When the committee gives an

opportunity to the petitioner to obtain a corrected tribe certificate and then forward it for its scrutiny and verification, it makes a fresh inquiry on its own. It addresses communication to the Sub-Divisional Officer and seeks his explanation as to whether any tribe certificate was issued by his office. What we find is that the communication from the committee, through its Vigilance Cell is replied by the Sub-Divisional Officer, Pathardi Division, Pathardi on 9th December, 2016. He informs the Vigilance Cell and the committee consequently that the petitioner resides in village Jambhli, Taluka Pathardi, District Ahmadnagar and he belongs to Hindu Koli Mahadev. This is the certificate issued from his office on 24th November, 2015. This is a certificate issued after perusing the original register. There is neither any change or alteration therein. We find that when the committee's orders are containing patent and glaring errors of law, it would not be proper to send the matter for scrutiny back to this very committee. We are dissatisfied and unhappy with the manner in which the committee and its members have proceeded in this case. Within the family it has granted the certificates of validity to some while denying the same to others. When it granted the certificate of validity to one person (Sanjiv), it invalidated it on 30th July, 2013. However, the certificates of validity of Kiran, Balasaheb, Haribhau and Amol remain intact. No action seems to have been

taken in relation thereto. The verification and scrutiny in relation to them was carried out in 2002 and 2004. If these certificates were obtained by fraud, the committee should have been bold enough to say so. Instead, it omits from consideration the above validity certificates though they have a high probative value. The committee ought to realise that it is performing statutory duty. The committee ought to realise that before it adopts an adversarial position or stand before the High Court, it must satisfy the High Court that it has done its work properly and performed its task and job strictly in accordance with law, namely, the Act 23 of 2001 and the rules framed thereunder. The committee has miserably failed to satisfy us on this core issue.

24. As a result of the above discussion, we quash and set aside the impugned order. We allow the writ petition. We transfer the proceedings now to the Scrutiny Committee at Pune. Let the Scrutiny Committee at Pune verify and scrutinise the tribe claim of the petitioner afresh strictly on merits and in accordance with law. It shall take into consideration every material referred by us in the forgoing paragraphs. It shall pass a reasoned order after allowing the petitioner a complete opportunity to satisfy it about the genuineness and bonafides of his claim. If the committee desires to discard any of the certificates of validity issued in the

family and to the petitioner's paternal cousins on established and permissible legal grounds, then, it would be open for the committee to express its disapproval with the contents of the certificates of validity issued to these paternal cousins and come to an appropriate conclusion. However, when it comes to an adverse conclusion, it must rely upon the available research data and material, which would indicate as to how Kolis are obtaining tribe certificates certifying them as Koli Mahadeo Scheduled Tribe and systematically snatching and taking away the benefits and concessions meant for the tribe though their claims are not genuine and bonafide. The committee ought to assign cogent and satisfactory reasons if it is of the view that there is an increasing tendency to obtain these certificates of validity. This is a fraud and, therefore, in cases, where it is established and proven, the committee can ignore these certificates. Equally, misrepresentation of facts must also be taken into consideration. The committee must perform its duty and obligation in law and assign reasons if it is of the opinion that the certificates of validity have no evidentiary value. The fraud must be established and proved, equally the misrepresentation. The manner in which the fraud has been perpetrated must be indicated with particulars, data and figures. We expect the committee to perform its duty and obligation so that other committees scrutinising such claims

would be guided in future. We hope and trust that this duty will be performed and in accordance with the mandate of the Act and the rules.

25. We are constrained to hold that the three committee members of the Scrutiny Committee, Nashik, namely, D. P. Jagtap, J. V. Kumare and Amita Pillewar, who have passed the impugned order, do not deserve to be the members of such scrutiny committee. They seem to be unaware of their duty and obligation. They are either completely ignorant of the mandate of the Act 23 of 2001 and the rules framed thereunder or they are purposely indulging in acts which result in further litigation. Their job is not to generate litigation and in the manner noted by us. It is, therefore, for the competent authority in the State to take note of the observations made by us about the conduct of the scrutiny committee members. We derive no pleasure in recording our disapproval in these words. Repeatedly, we have summoned them in this court and given them dressing down simply because they do not even bother to peruse the orders of this court, their own record, leave alone consider the documents therein. If they are not performing a public duty and subserving larger public interest, then, we are forced to bring to the notice of the higher authorities their deplorable conduct. We do so in these terms.

26. A copy of this order be forthwith forwarded to the Chief Secretary to the State of Maharashtra and the Secretary in the Department of Tribal Development, Government of Maharashtra.

27. The original file shall be returned to Ms. Bhide after she replaces the documents therein with certified true copies thereof.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)