

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 9500 OF 2018

1. Pratik Machhindra Medhe
Under guardian of father
Machhindra Vitthal Medhe
age 45 years, occ. service
r/o Chincholi Gurav, Tq. Sangamner
Dist. Ahmednagar
2. Shubham Machhindra Medhe
Age 19 years, occ. student
r/o Chincholi Gurav, Tq. Sangamner
Dist. Ahmednagar

Petitioners

Versus

1. The State of Maharashtra
Through its Secretary
Tribal Development Department
Mantralaya, Mumbai 32.
2. The Scheduled Tribe Certificate Scrutiny
Committee, nashik
Through its Deputy Director (R)
3. The Principal,
Walchand Engineering College
Vishram Bag, Sangli
Tq. & Dist. Sangli

Respondents

Mr. P.V. Jadhavar, advocate for petitioners.
Mr. P.S. Patil, AGP for respondents 1 and 2.

**CORAM : R.M.BORDE AND
MANGESH S. PATIL, JJ.
DATE : 21st August, 2018.**

JUDGMENT : (Per R.M. Borde, J.)

1. Rule. Rule made returnable forthwith. Heard finally with

the consent of learned counsel for the respective parties.

2. Petitioners belong to "Koli Mahadev" Scheduled Tribe and are in receipt of certificate issued by the competent authority certifying accordingly. The tribe certificates issued to the petitioners were referred to the Scrutiny Committee for verification. However, the Scrutiny Committee, by order dated 10.08.2018 directed invalidation of the tribe certificates issued in favour of petitioners. Petitioner no. 2 has been admitted to engineering course as against the seat earmarked for Scheduled Tribe category and is required to furnish validation certificate within the timeframe stipulated by the college.

3. The Scrutiny Committee, while invalidating the tribe certificates vide order dated 10.08.2018, has not recorded any reason in support of finding as regards invalidation of the tribe certificate. The Committee is bound to record reasons to support the findings. It is the contention of petitioners that they have produced sufficient documentary evidence apart from oral evidence and the report of Vigilance Cell tendered to the Scrutiny Committee for substantiating the claim. Order of the Scrutiny Committee does not reflect consideration of documentary evidence produced by petitioners or consideration in respect of Vigilance Cell report. The Committee has also not considered the aspect of affinity of petitioners with the concerned tribe.

4. In view of above deficiencies, the order passed by the Scrutiny Committee is unsustainable and deserves to be quashed and set aside. The Committee has already been warned refraining from

passing such unreasoned orders. It must be borne in mind that the decision of the Committee has far reaching consequences since the educational career of the petitioner or in certain cases service career of an individual may be at stake. We hope that the Committee will take appropriate care in future while dealing with such issues.

5. In the circumstances, writ petition is allowed. Order passed by the Scrutiny Committee on 10.08.2018 is quashed and set aside. The matter stands remitted back to the Scrutiny Committee for reconsideration. The Scrutiny Committee, in observance of the procedure prescribed in that behalf, shall decide the matter afresh, as expeditiously as possible, preferably within a period of 15 days from today. So far as petitioner no. 2 is concerned, the concerned college shall not take any coercive action until disposal of the claim of petitioner and subject thereto. Rule made absolute to the extent as specified above. No costs.

MANGESH S. PATIL
JUDGE

R.M.BORDE
JUDGE

dyb