

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

956 WRIT PETITION NO. 9498 OF 2018

PAYAL SUNIL TARU
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr.Jadhavar Pratap V.
AGP for Respondents : Mr. P.S. Patil
...

**CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.**

DATE : AUGUST 14, 2018

O R D E R :

Mr. Jadhavar, learned counsel for the petitioner submits that the paternal cousin uncle of the petitioner has been issued validity certificate of Koli Mahadev Scheduled Tribe on 16.9.2008. Show cause notice has been issued to the uncle of the petitioner. Subject to the decision in the proceedings that are reopened by the Committee in respect of the tribe claim of the cousin uncle of the petitioner, the validity

certificate can be issued to the petitioner.

2. The learned counsel submits that the entire record and documents are placed on record. The Vigilance Committee has accepted the relationship between the petitioner and cousin uncle namely Suraj Padmakar Taru. It is not the fault of the petitioner that the Committee has passed order in cryptic manner. The petitioner is admitted to the Engineering Course from Scheduled Tribe Category and the validity has to be submitted by today.

3. We have also heard learned AGP.

4. The Committee has passed order in very casual manner without understanding the repercussions of the same. The Committee is expected to act with responsibility while passing the judgment in the validation proceedings. The Committee performs quasi judicial act while passing judgment in the validation

proceedings.

5. The order even does not record the documents which were relied upon by the party or the contra evidence which was considered by the Committee while invalidating tribe claim of the petitioner. None the less it is the party who has to suffer.

6. In absence of any vigilance report or other eventuality, it would not be possible to this court to direct issuance of validity certificate to the petitioner. No doubt, the petitioner is not at fault, however, this court also if it passes the order directing the Committee to issue validity, then the said order would be passed without considering the report of the vigilance and the other aspects. This court cannot venture to direct for issuance of validity in absence of all the above record.

7. In cases, where the last date of submitting

validity is 14.8.2018 and the Committee is rejecting the caste claim of the petitioner a day prior it is expected of the Committee to give reasons for invalidating by considering all the documents and vigilance report. It could not have passed a four line order and deferred reasoning for 30 days as observed in the order.

8. We quash and set aside the order of the Committee. The parties are relegated before the Committee. The Committee shall hear the petitioner afresh and thereafter take decision within one month from the date of appearance of the petitioner. The petitioner shall appear before the Committee on 24.8.2018.

[**SUNIL K.KOTWAL, J.**] [**S.V.GANGAPURWALA, J.**]

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