

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8678 OF 2017

Sachin Nagnath Mhetre

..Petitioner

Versus

**The Sub Divisional Officer,
Madha Division, Kurduwadi,
District: Solapur and others**

..Respondents

Mr. S. S. Aradhya, Advocate for the Petitioner.

Mr. S. B. Kalel, AGP for the Respondent - State.

CORAM : B. R. GAVAI &

SMT. BHARATI H. DANGRE, JJ.

DATE : 23rd APRIL, 2018

ORAL JUDGMENT (Per B. R. Gavai, J)

1] Rule. Rule made returnable forthwith. Heard by consent.

2] The Petitioner has approached this Court being aggrieved by the order dated 28th April 2009, thereby rejecting the claim of the Petitioner of belonging to “Mahadev Koli”, which is recognized as Scheduled Tribe.

3] We do not find it necessary to go into the merits of the matter. In as much as, in a bunch of Petitions, being Writ Petition No.8413 of 2008 alongwith companion Petitions decided on 1st September 2009, the Division Bench of this Court has found that the constitution of the committee consisting of Shri. A. V. Hankare, who was

at the relevant time working as Junior Administrative Officer was not appointed in accordance with law. We see that the defence taken in the present proceedings that since vacancy had arisen for the post of Research Officer, to make a stopgap arrangement, Shri. A. V. Hankare was appointed in the committee to complete coram, was also raised in those proceedings. In that view of the matter, on the same grounds, as stated in the order dated 1st September 2009, the present Petition also deserves to be allowed.

4] The impugned order is therefore quashed and set aside. The matter is remitted back to the Respondent No.2 - Committee for deciding afresh in accordance with law by newly constituted Scrutiny Committee. Since the issue is pending for a considerable period, we expect that the Respondent No.2 – Committee would decide the issue within a period of six weeks from today. The Petitioner to remain present before the Respondent No.2 - Committee on 14th May 2018. As such, the requirement of formal notice shall stand waived. Rule is made absolute in the aforesaid terms. No order as to costs.

[SMT. BHARATI H. DANGRE, J.]

[B. R. GAVAI, J.]