

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9507 OF 2018

Mayuri Chhotu Koli Petitioner
Vs.
State of Maharashtra & Others Respondents

Mr. R.K. Mendadkar for the Petitioner.
Mr. Vikas Mali, AGP, for the Respondents.

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

DATE : AUGUST 27, 2018

P.C:

Mentioned. Not on board. Taken up on production board as urgency was made out. By consent, heard finally.

2. We have heard Mr. Mendadkar, appearing for the petitioner and Mr. Mali, appearing for the respondents.

3. The petitioner says that she has been admitted to the 4th respondent/College for the academic year 2018-2019 against a reserved seat on the condition that she produces a

Certificate of Validity certifying her as belonging to Tokre Koli, Scheduled Tribe.

4. For the purpose of admission, she relied upon the Caste Certificate, copy of which is at Exhibit-B (page 11) to the petition. This was forwarded to the Scrutiny Committee for verification of her claim and the Scrutiny Committee has passed the impugned order, copy of which is at page 10, Exhibit-A to the paper-book.

5. That order reads as under:-

*"The Scrutiny Committee heard the applicant on 10/08/2018. The Scrutiny Committee has gone through all the documentary evidence, enquiry report of Vigilance Cell, written and oral submission of the applicant. The Scrutiny Committee has come to the conclusion that the applicant failed to establish his tribe claim towards Tokre Koli, Scheduled Tribe. Therefore, his claim towards the same is held **invalid** detail order will be followed within 30 days."*

6. A perusal of this order, to our mind, reveals that the Committee resorts to shortcuts and completely violates the provisions of the Maharashtra Act No.23 of 2001 and the rules framed thereunder. When the Committee is obliged to pass an

order, it cannot take such liberties as if it is a superior Court of law. It cannot say that it will assign reasons later on and proceed to pronounce its operative conclusion/order. The reasons cannot be then introduced and unless the order is complete in all respects, the Committee should not proceed to pronounce it. Even the learned AGP could not support this course of action adopted by the Committee.

7. We, therefore, allow this writ petition. We quash and set aside the impugned order and direct that the verification and scrutiny of the claim of the petitioner as belonging to Tokre Koli, Scheduled Tribe should be carried out once again. It should be afresh, uninfluenced by the earlier operative order and the conclusion. The Committee must pronounce its reasoned order and it will not be tolerated in any matter if the Committee adopts this course. In the event we find a repetition of this approach, we would not hesitate to summon the Committee Members, impose upon them personal costs and even direct the State Government to replace them. We clarify that we have not expressed any opinion on the rival contentions.

8. Till the Scrutiny Committee carries out the exercise afresh in terms of our directions, respondent Nos.3 and 4 shall not cancel the admission of the petitioner, if not already cancelled, for want of Validity Certificate. The writ petition is allowed in these terms. No order as to costs.

9. The learned AGP to communicate this order to the respondents.

10. All concerned to act upon an authenticated copy of this order.

(B.P. COLABAWALLA, J.)

(S.C. DHARMADHIKARI, J.)

Suresh
Jagdish
Sajnawat

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