

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 WRIT PETITION NO.10483 OF 2022

VAIBHAV VIKRAM JAMADAR AND OTHERS
VERSUS
STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY AND
OTHERS

.....
Advocate for Petitioners : Mr. Mahesh Deshmukh h/f Mr. Sagar S. Phatale
AGP for Respondents: Mr. S.K. Tambe
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 16th NOVEMBER, 2022.**

PER COURT :-

1. After this matter was heard for quite some time, it has been revealed that the validation proceedings initiated by the petitioners to obtain "Koli Mahadev" Scheduled Tribe Status, were finally heard by a committee comprising of (i) Smt. Sangita Chavan, as Joint Commissioner, (ii) Shri Sachin Jadhav, as Member Secretary and (iii) Shri S.M. Nanavare, as Member. However, the impugned order has been passed by (i) Smt. Sangita Chavan, as Joint Commissioner, (ii) Smt. Chetana D. More, as Member Secretary and (iii) Shri Ashok K. Borkar, as Member.

2. In this backdrop, the learned A.G.P. fairly submits that the present committee, which is available will have to rehear the petitioners and pass an appropriate order.

3. In the light of this backdrop, the impugned order dated 28.09.2022 is quashed and set aside and the case file of the petitioners bearing No. 4/525/EDU/082018/112273, is restored.

4. The petitioners had also raised an issue as regards whether the person, who is not appointed as a Research Officer, though may be having intimate knowledge of the subject, could function as a member of such committee. Nevertheless, the learned advocate for the petitioners submits, on instructions, that the petitioners do not desire to press this issue or raise this ground either now or in future. We deem it appropriate to record that it is expected in law that the committee would comprise of such persons, who have requisite qualifications and are competent to be appointed as the members of the committee.

5. The learned advocate for the petitioners submits that they desire to place additional documents before the committee for its perusal. The learned A.G.P. submits, on instructions, that the committee will have to scrutinize and verify these documents.

6. As such, this petition is partly allowed to the extent of quashing and setting aside the impugned order, by consent. In addition thereto, we pass the following order:-

O R D E R

- A. The petitioners shall place additional documents alongwith their respective affidavits, before the committee on or before 30.11.2022, by personally delivering the said documents and affidavits in the office of the committee.
- B. The Committee would indulge in the exercise of causing verification of those documents. As such, if the Vigilance Cell enquiry is conducted, the same be concluded by 30.12.2022.
- C. The copy of the report be tendered to the respective petitioners through their E-mail addresses, within 5 days of the submission of the report.
- D. Between 10.01.2023 to 13.01.2023, the committee would conduct the hearing in the matter and the petitioners would tender written submissions/written statements, which would also cover the Vigilance Cell report.
- E. The Committee would deliver it's order on 31.01.2023.

(SANJAY A. DESHMUKH, J.)**(RAVINDRA V. GHUGE , J.)**