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

906 WRIT PETITION NO.3224 OF 2023

**LALITA VISHWAMBHAR BIRKALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

....

Mr C. R. Thorat, Advocate for Petitioner;
Mr V. M. Kagne, A.G.P. for Respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 24th March, 2023

PER COURT:

1. This is yet another case of the Scrutiny Committee, having not delivered an order in pending proceedings, despite the directions of this Court, dated 11/09/2017 in Writ Petition No.4374/2017, filed by the present Petitioner. No doubt the present Petitioner also is in complicity with what has happened.

2. The Petitioner had first approached this Court in Writ Petition No.9925/2016. By an order dated 10/01/2017, the proceedings had to be decided within a period of nine months. The Committee passed an order dated 19/01/2017, concluding that the Tribe name 'Mannervarlu' suffered a spelling mistake.

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The certificate was confiscated and the Petitioner was directed to tender a corrected certificate. Since that was also not decided, the Petitioner once again approached this Court in Writ Petition No.4374/2017, leading to the order dated 11/09/2017. It was concluded that the certificate was issued by the Competent Authority as the law stood then, and the Committee was once again directed to decide the proceedings expeditiously, by directing the Petitioner to appear on 12/10/2017 before the Committee.

3. By the order dated 11/09/2017, this Court had directed the Committee, comprising of 3 members, to decide the claim of the Petitioner on its merits. Along with this direction, the employer was directed to protect the services of the Petitioner, who is working with Respondent No.2 as an 'Assistant Binder'. The Petitioner is said to have moved her first application for seeking an early decision dated 22/03/2017. This was followed by an application dated 31/01/2018. This was followed by reminders dated 06/04/2018, 11/06/2018 and after a gap of four years, dated 29/11/2022.

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4. It is, thus, obvious that, despite the initial reminders by the Petitioner, the Committee did not respond. Today, an affidavit is tendered by one of the members of the Committee, namely, Smt. Chetana Daulatrao More, Deputy Director and Research Officer, stating in paragraph Nos.4 to 8, as under :-

“4. I say and submit that, the petitioner's proposal for validation of tribe claim was received by the respondent No.3 committee on 16.10.2017. The writ Petition No. 4374/2017 was disposed on 11.09.2017 with direction to decide the claim expeditiously. The respondent No.3 committee referred the matter for vigilance cell enquiry on 07.12.2017. The vigilance cell of the respondent No.3 committee is comprised of one deputy superintendent of police, three Police Inspectors and four constables. I say and submit that, approximately 1716 tribe claims are pending for vigilance enquiry.

5. I say and submit that, due to huge pendency of (1716) tribe claims for vigilance enquiry due to oversight the petitioner's case was not proceeded and there was delay.

6. I say and submit that, the Deputy Superintendent of the vigilance cell of respondent no.3 committee also has the additional charge of Kinwat committee.

7. I say and submit that, the tribe claim of the petitioner could not be decided as the vigilance enquiry could not be completed due to heavy work load.

8. I further say and submit that the committee comprises of three members and out of there three members two member are on additional charge and the Joint

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Commissioner has assumed regular charge since 02.03.2023.”

5. It has been on several occasions, that this Court has imposed heavy costs on the members of the Committee for ignoring the directions of the High Court. This is one case, wherein there are two orders passed by the High Court. Pursuant to the first order dated 10/01/2017, nine months were granted to the Committee. The Committee closed the proceedings by order dated 19/01/2017 within nine days of the order of the Court, by concluding that the certificate suffers a spelling mistake. This is just a farce created by the Committee comprising of Shri. S. V. Mehetre, Shri. A. D. Shejale and Shri. E. G. Bhalerao. They have created a picture that, they have complied with the directions of the High Court by confiscating the certificate of the Petitioner for a spelling mistake, which is the creation of the Revenue Authority.

6. After the second order of this Court, dated 11/09/2017, merely because it was stated that the Committee should decide the proceedings expeditiously, it is almost 5 years and 6 months, that the Committee has still not decided the proceedings. Merely by stating on oath, that the members of the Committee have high regards and respect to the Court, is not

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enough. It is merely a statement made to rescue the Committee from strict or unpalatable orders of the High Court.

7. Even the Petitioner, instead of approaching the Court, which he has frequently done in the past, kept on sending representations upto 2018 to the Committee, since the protection to her services was continued under the fortuitous circumstances. Finally, when she realized that she needs the validity certificate if she desires a transfer by choice to Aurangabad, that she renewed her request for the validity certificate after a period of 4 years and 5 months and has then approached this Court.

8. Even if we consider reasonably that a period of six months under a second order by this Court, dated 11/09/2017, could be appropriate for deciding the claim of the Petitioner, those Committee members, who were In-charge from October 2017 onwards, would be liable to pay costs.

9. In view of the above, this petition is disposed off with the following directions :-

(a) Costs of Rs.5000/- are imposed on each member who has not implemented our second order dated 11/09/2017.

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The learned A.G.P. informs that the following were the members in serial order as per their assignment on the Committee from October 2017, till today :-

Sr. No.	Name and Designation of the Officer	Period	
		From	To
1.	D. P. Jagtap	10/10/2017	04/08/2018
2	Girish Sarode	04/08/2018	09/09/2018
3.	Sandeep Golait	10/09/2018	12/09/2018
4.	Sandeep D. Golait	12/09/2018	19/06/2019
5.	Dinkar G. Pawara	19/06/2019	17/07/2019
6.	Dinkar G. Pawara	17/07/2019	30/08/2019
7.	Dinkar G. Pawara	31/08/2019	27/07/2021
8.	Dinkar G. Pawara	28/07/2021	04/04/2022
9.	Vijaykumar M. Katke	04/04/2022	20/04/2022
10.	D. J. Pawara	20/07/2017	19/06/2019
11.	V. M. Katke	20/06/2019	18/07/2019
12.	D. N. Chavan	19/07/2019	20/07/2019
13.	V. M. Katke	21/07/2019	28/11/2020
14.	R. S. Bhadke	29/11/2020	14/12/2020
15.	V. M. Katke	14/12/2020	13/01/2021
16.	V. M. Katke	14/01/2021	25/01/2021
17.	R. S. Bhadke	26/01/2021	14/02/2021
18.	V. M. Katke	15/02/2021	13/01/2021
19.	Smt. C. D. More	14/01/2022	18/01/2022
20.	V. M. Katke	19/01/2022	24/01/2022
21.	Smt. C. D. More	25/01/2022	14/02/2022
22.	V. M. Katke	15/02/2022	09/03/2022
23.	Smt. C. D. More	10/03/2022	13/03/2022
24.	V. M. Katke	14/03/2022	04/04/2022
25.	Smt. C. D. More	05/04/2022	20/04/2022
26.	V. M. Katke	21/04/2022	17/08/2022

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27.	Smt. C. D. More	17/08/2022	05/09/2022
28.	Sachin Jadhav	06/09/2022	15/09/2022
29.	Smt. C. D. More	15/09/2022	08/01/2023
30.	Sachin Jadhav	09/01/2023	20/01/2023
31.	Smt. C. D. More	20/01/2023	---
32.	V. M. Katke	07/10/2016	13/01/2021
33.	D. S. Kulmethe	07/11/2016	20/08/2020
34.	Smt. P. A. Shelke	28/06/2021	Till today
35.	Smt. C. D. More	20/04/2021	Till today

[Those whose names are repeated (more than once), shall pay Rs.10,000/- as lumpsum costs].

(b) Each of these members shall deposit the costs in this Court from their Salary Bank Account, on or before 15/04/2023.

(c) The statement of the learned A.G.P. that the Vigilance Enquiry Cell will submit it's report, on or before 15/04/2023, is recorded.

(d) The E-mail address of the Petitioner is ["nileshlokal68@gmail.com"](mailto:nileshlokal68@gmail.com), which is verified and confirmed, as supplied by her. The vigilance enquiry report would be tendered to her via E-mail within five days of it's submission.

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(e) The hearing in the enquiry will be posted on 02/05/2023 at 12.00 noon in the office of the Committee and the Petitioner would attend the same and tender written submissions.

(f) The decision of the Committee shall be pronounced, on or before 15/06/2023.

(g) The Petitioner would also deposit an amount of Rs.5,000/- towards costs, in this Court.

(h) The employer would not terminate the services of the Petitioner, only for the reason, that the validity certificate is not tendered, until 15/06/2023, or till the date on which the decision by the Committee is announced, whichever is earlier.

(i) If an adverse decision is pronounced by the Committee, the same shall not come into effect for a period of 15 days from the date of its pronouncement.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

sjk