

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

WRIT PETITION NO.5043 OF 2023

MINAKSHI LAXMAN SOLUNKE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

...
Advocate for the Petitioner : Shri U.R. Avate i/by Talekar And
Associates

AGP for Respondents 1 to 3/State : Shri S.G. Karlekar

...

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

DATE :- 02nd May, 2023

Per Court :-

1. The Petitioner has put forth prayer clauses A, B, C
and D as under:-

“A. *To quash the impugned order dated 27.03.2023
invalidating the tribe claim of the petitioner as
belonging to Tokre Koli- ST passed by the
Scheduled Tribe Certificate Scrutiny
Committee, Dhule (EXHIBIT-"H"), by issuing a
writ of certiorari or any other appropriate writ,
order or direction as the case may be;*

B. *To grant interim stay to the operation,
execution and implementation of the impugned
order dated 27.03.2023 invalidating the tribe
claim of the petitioner as belonging to Tokre
Koli- ST passed by the Scheduled Tribe*

Certificate Scrutiny Committee, Dhule (EXHIBIT-"H"), pending hearing and final disposal of the writ petition;

- C. To hold and declare that the petitioner belongs to Tokre Koli Scheduled Tribe and direct the respondent No.2-Committee to issue a certificate of validity in her favour;*
- D. To grant interim injunction restraining the respondent No.4, their agents, subordinates servants and any one acting on behalf of them, from taking any adverse action against the petitioner including termination of services pursuant to the order dated 27.03.2023 passed by the Scheduled Tribe Certificate Scrutiny Committee, Dhule (EXHIBIT-"H"), pending hearing and final disposal of the writ petition;”*

2. The learned AGP has vehemently opposed this petition contending that lapses on the part of the Petitioner in participating in the validation proceedings, are writ large on the face of the record. He, therefore, prays that this petition be dismissed.

3. We find from the record that undoubtedly, the Petitioner has been complacent. Subsequently, the constitution of the Committee underwent a change on 07.10.2022. Thereafter, the Petitioner's case was posted before the newly constituted Committee. The Petitioner remained absent and did not address the Committee. The matter was closed leading to the impugned

judgment. The Petitioner is an Assistant Teacher and, therefore, cannot be said to be oblivious of the proceedings and the procedure that is to be followed.

4. No doubt, in this case a different view is possible considering the non-cooperation of the Petitioner. However, since the Petitioner did not appear before the newly constituted Committee, the proceedings were closed for orders. It is in these peculiar circumstances, that we are causing indulgence in this matter.

5. In view of the above, **this Writ Petition is partly allowed**. The impugned order dated 27.03.2023 is quashed and set aside and the matter is restored to the file of the competent Committee with the following directions:-

(a) By way of costs, the Petitioner proposes to deposit an amount of Rs.25,000/- (Rupees Twenty Five Thousand) in this Court. The same be deposited on or before 31.05.2023.

(b) The registry shall transfer an amount of Rs.10,000/- to the High Court Creche and the remaining Rs.15,000/- be transferred to the Advocates' Library of the Advocates Association of Bombay High Court, Bench at Aurangabad.

(c) The Petitioner shall appear before the Committee on

19.06.2023 at 12:00 noon. Written notes of submissions are permitted.

(d) The Committee would decide the claim of the Petitioner within 60 days thereafter.

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