



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

WRIT PETITION NO.9231 OF 2018

Ku. Chetana Vijay More

... Petitioner

VERSUS

1. The State of Maharashtra
through the Secretary, Higher and
Technical Education Department,
Mantralaya, Mumbai - 32.
2. The Divisional Cast Certificate
Scrutiny Committee for S.C.,
V.J.N.T, O.B.C. & S.B.C., Nasik Division,
Adivasi Vikas Bhavan, Gadkari Chauk,
Nasik, Tal. and Dist. Nasik
3. K. K. Wagh Institute of Engineering Education
& Research Karmaveer Kakasaheb Wagh
Education Society, Hirabai Haridas Vidyanagari,
Amrut Dham, Panchavati, Nasik, Dist. Nasik,
Pin 422 003, through its Principal.
4. The Savitribai Phule Pune University
through the Registrar, Savitribai Phule
Pune University, Ganesh Khind
Pune, Dist. Pune.

... Respondents

...

Advocate for petitioner : Mr. Madhav M. Bhokarikar with Mr. A.S. Bayas
AGP for respondent/State : Mr. V.M. Jaware
Advocate for respondent No.4 : Mr. A.R. Joshi

...

**CORAM : MANGESH S. PATIL &
NEERAJ P. DHOTE, JJ.**

DATE : 11.12.2023

PER COURT:

Heard both the sides for a while. The petitioner has been
challenging the order of invalidation.

2. Irrespective of the merits or otherwise of the order under
challenge, it is necessary to note that the petitioner has been relying upon

enormous documents which she has produced for the first time before us along with an affidavit-in-reply. Apart from the documents, she has also been relying upon several other certificates of validity of individuals. This Court being not a fact finding court and is merely expected to exercise the power under Article 226 of the Constitution of India, since the matter pertains to the social status, it would be appropriate that the matter is remanded back to the scrutiny committee for decision afresh, which would enable the petitioner to produce additional documents before it whose genuineness the committee may have to consider, if necessary, by resorting to vigilance enquiry. The entire exercise can conveniently take place before the scrutiny committee.

3. We allow the writ petition partly. The impugned order is quashed and set aside. The committee shall decide the petitioner's claim afresh by permitting her to produce the documents and, if necessary by resorting to vigilance inquiry, in the light of the observations in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.**; 2023 SCC Online SC 326. The petitioner shall appear before the Committee on 13.12.2023 and the committee thereafter shall decide her proposal as expeditiously as possible and in any case within two months from the date of her appearance.

(NEERAJ P. DHOTE, J.)

(MANGESH S. PATIL, J.)