

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

WRIT PETITION NO. 8375 OF 2023

**MOHINI SUBHASH NIKUMBH
VERSUS
STATE OF MAHARASHTRA THR ITS COMMISSIONER
AGRICULTURE AND ORS**

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Advocate for Petitioner : Mr. Bayas Anandsingh Sangramsingh
AGP for Respondents/State : Mrs. M. A. Deshpande

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 17 JULY 2023.

PER COURT :

Heard the learned Advocate for the petitioner and learned AGP.

1. The petitioner is challenging the order dated 19.06.2023 passed by the respondent no.2/the Scheduled Tribe Certificate Scrutiny Committee, Dhule, whereby her claim as belonging to 'Thakur schedule tribe' has been turned down.

2. After we started hearing both the sides, it transpires that some old documents produced by the petitioner along with her reply to the vigilance cell report could not be subjected to further scrutiny at the hands of the vigilance cell. Besides, though the learned advocate for

the petitioner emphatically states about the decision in the matter of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti vs. State of Maharashtra & others**, 2023(2) Mh.L.J.785, was produced before the Committee, it has not even referred to it while deciding the matter.

3. Suffice for the purpose to observe as laid down in the matter of Maharashtra Adavasi Thakur Jamat Swarakshak Samiti (supra), if the documents produced on the record are not reliable, the Committee has to refer it to vigilance scrutiny. If certain documents were produced abruptly even after the vigilance report was received, the Committee could have resorted to another vigilance report if it was of the view that the documents being relied upon by the petitioner were not reliable. Nothing of the sort seems to have happened.

4. It is a matter of social status having cascading effect on the coming generation. The Committee could have waited for and solicited another vigilance report if the documents produced by the petitioner were according to it, not reliable. This exercise can still be undertaken before a final adjudication takes place.

5. The learned Advocate for the petitioner as also the learned AGP on instructions, submit that the matter can be remanded to the Scrutiny Committee, which can address the issue afresh and if necessary by soliciting a further report from the vigilance.

6. In the light of the above, we allow the writ petition partly. The impugned order is quashed and set aside. The proposal is sent back to the respondent no.2/Scrutiny Committee for adjudication afresh in the light of the above observations.

7. The decision shall be taken as expeditiously as possible and in any case within six months. The petitioner shall cooperate the Scrutiny Committee at every stage. No drastic action shall be taken based on the impugned invalidation till the Committee decides the matter afresh or for six months whichever is earlier.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb...