



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO. 116 OF 2021

Adivasi Mahadev Koli Yuvak Sangh,
Maharashtra State, Ahmednagar,
Office at Behind Sudesh Theatre,
Kopargaon, District Ahmednagar,
Through its President,
Amit S/o Chandrakant Aglave,
Age: 39 years, Occu. Social Worker,
R/o Kopargaon, Taluka Kopargaon,
District : Ahmednagar

.. Petitioner

Versus

1] The State of Maharashtra,
Through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai 32

2] The Commissioner,
Tribal Research & Training Institute (TRTI),
Maharashtra State,
28, Queens Garden, Pune 411 001

.. Respondents

...
Advocate for petitioner : Mr. Deepak D. Choudhari and Mr. Sahil D. Chouhari
AGP for the respondent – State : Mr. M.K. Goyanka

...

**CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 19 NOVEMBER 2024

ORDER (MANGESH S. PATIL, J.) :

Heard both the sides finally.

2. The petitioner is espousing a public cause and in the process, challenging the notification issued by the State government, constituting a Scheduled Tribe Certificate Scrutiny Committee,

Nasik - 2 under the provisions of the Maharashtra Act No. XXIII of 2001.

3. Learned advocate for the petitioner would take us through the papers and would buttress his stand ,referring to the statistics given in the petition pertaining to the distance between the taluka places from Ahilyanagar (Ahmednagar) district and Nasik, where the committee would situate pursuant to the impugned notification. He would submit that considering the long distance, it would result in causing great hardship to the persons belonging to the scheduled caste and scheduled tribe, to approach to the committee at Nasik for getting the certificate of validity, which in turn is a *quasi* judicial process. He would submit that it would have been appropriate for the State to establish the scrutiny committee at Ahilyanagar instead of setting up an additional committee at Nasik. He would submit that establishment of Scrutiny Committee at such a distant place, would affect the rights of the aspiring students and candidates seeking employment on the basis of reservation and the decision to set up such additional Scrutiny Committee at Nasik, is arbitrary, capricious and would result in causing hardship to the persons from the scheduled caste and scheduled tribe categories.

4. Learned AGP, referring to the affidavit in reply of respondent no. 2 would oppose the petition. He would submit that it is a matter of policy decision and this Court in exercise of writ jurisdiction cannot interfere in the policy matters. This Court cannot examine the appropriateness of the policy in setting up a Scrutiny Committee at Nasik. He would also refer to the distance given in the affidavit in reply to buttress his stand that in-fact, considering the tribal population of individual talukas from Ahilyanagar district, the talukas having larger population of tribal community are in proximity to Nasik, as compared to the district headquarter at Ahilyanagar. He would, therefore, submit that if the distance is the only criterion, setting up of an additional Committee at Nasik would serve the interest of the tribal communities from six talukas. Setting up Scrutiny Committee at Ahilyanagar would put them to hardship.

5. We have considered the rival submissions and perused the papers.

6. At the outset, one needs to emphasize and bear in mind the fact that this Court will have inherent limitations in dealing with all the policy matters. Setting up of a Scrutiny Committee at Nasik, being one such matter, we would be loath in considering the petitioners' request and the prayers. Suitability or otherwise of the policy decision taken by the State government, is not an justiciable issue.

7. Though the emphasis of the petitioner is on the basis of the distance between different taluka places from Ahilyanagar district and the Nasik city, where the Scrutiny Committee is established, *ex facie*, the affidavit in reply gives a more clear picture of the decisive factor of tribal population in different talukas of Ahilyanagar district and particularly, pointing out that the distance between such talukas having more tribal population from Ahilyanagar district is more between such taluka places and the district headquarter, as compared to these places and Nasik city. The statistics given in the affidavit in reply is as under:-

Sr. No.	Tahsils within the jurisdiction of Nashik-02 Committee	District	Total population	Out of that tribal population	Percentage of tribal population
1	Ahmednagar	Ahmednagar	6,84,044	14,396	2.10
2	Akole	Ahmednagar	2,91,950	1,39,730	47.86
3	Sangamner	Ahmednagar	4,87,939	51,652	10.59
4	Rahuri	Ahmednagar	3,22,823	34,036	10.54
5	Shrirampur	Ahmednagar	2,87,500	19,556	6.80
6	Nevasa	Ahmednagar	3,57,829	18,894	5.28
7	Shevgaon	Ahmednagar	2,45,714	4,681	1.91
8	Pathardi	Ahmednagar	2,58,109	4,118	1.60
9	Jamkhed	Ahmednagar	1,58,380	2,272	1.43
10	Karjat	Ahmednagar	2,35,792	3,464	1.47
11	Shrigonde	Ahmednagar	3,15,975	13,870	4.39
12	Parner	Ahmednagar	2,74,167	17,054	6.22
13	Kopargaon	Ahmednagar	2,32,452	34,377	14.79
14	Rahata	Ahmednagar	3,20,485	20,130	6.28
Total	Ahmenagar District		44,73,159	3,78,230	8.46

The statistics given in the petition regarding the distance between different taluka headquarters from Ahilyanagar district and Nasik, is as under:-

Name of Taluka	Distance from Nashik City (in KMs)	Distance from Ahmednagar City (in KMs)
Akole	92	151
Kopargaon	101	148
Sangamner	70	130
Rahta	100	79
Parner	178	39
Rahuri	119	38
Shrirampur	112	67
Nevasa	177	62
Ahmednagar City	157	--
Shrigonda	257	60
Karjat	230	75
Jamkhed	232	77
Pathardi	208	54
Shevgaon	209	67

If this statistics is understood in conjunction, it is more than evident that the taluka places from Ahilyanagar district having considerably more tribal population are comparatively nearer to Nasik city than the district headquarter at Ahilyanagar. The statistics can be advantageously collated as under:-

Name of Taluka	Distance from Nashik City (in KMs)	Distance from Ahmednagar City (in KMs)	Total population	Out of that tribal population	Percentage of tribal population
Akole	92	151	2,91,950	1,39,730	47.86
Kopargaon	70	130	2,32,452	34,377	14.79
Sangamner	101	148	4,87,939	51,652	10.59

If such is the statistical data, considering the larger tribal population, from the places nearer at Nasik, as compared to Ahilyanagar, even the stand of the petitioner about convenience or inconvenience would fall to the ground.

8. As is mentioned hereinabove, setting up of Caste Verification Committee at a particular place is a matter of policy and this Court cannot undertake any objective scrutiny of such administrative decision, the issue being not a justiciable one, that too in exercise of the writ jurisdiction.

9. Public Interest Litigation is dismissed.

10. Amount of Rs.50,000/- (Fifty Thousand) deposited by the petitioner in this Court on 10 January 2022, be refunded to him.

[PRAFULLA S. KHUBALKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

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