



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

WRIT PETITION NO. 12882 OF 2025

Gangabai Santram Kotewad
VERSUS
The State Of Maharashtra Through Its Secretary And Others

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Advocate for the Petitioner : Mr.O.B.Boinwad and G.K. Chinchole
AGP for Respondents: Mr. P.K.Lakhotiya
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**CORAM : R.G.AVACHAT AND
ABASAHEB D. SHINDE, JJ.**
DATE : NOVEMBER 13, 2025

ORDER :-

The claim of the petitioner to have belonged to “Koli Mahadev”, Scheduled Tribe has not been validated by the respondent no.2 - Scrutiny Committee. He is, therefore, before us.

2. Learned counsel for the petitioner urged for remand of the matter on the ground that the documents referred to in paragraph (v) of the order impugned herein, had not been given to the petitioner along with the vigilance cell report, to solicit his response thereto. As such, according to learned counsel, the material has been relied on by Scrutiny Committee without affording the petitioner an opportunity of hearing and the same has caused great prejudice to the petitioner.

3. When we called upon learned AGP to explain the said situation, he conceded that the vigilance cell report, which was served on the petitioner, did not have reference to those documents therein, meaning thereby, the material which run counter to the petitioner's interest and said to have been received during vigilance report has been used against the petitioner without affording him reasonable opportunity to respond thereon. Same is in breach of Rule 12(8) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003. In view of the same, the matter is required to be remitted back to the Scrutiny Committee to afford the petitioner an opportunity to respond to those documents, which have been referred to in paragraph 5 of the order impugned herein. Needless to state the Scrutiny Committee would give the petitioner opportunity to adduce additional evidence, if any, and then decide the claim on its own merits.

4. In the result, the petition partly succeeds in terms of the following order:-

(i) The order impugned herein passed by respondent no.2 – Scrutiny Committee is set aside.

(ii) The proceedings stands remitted to respondent no.2 – Committee. The Committee shall decide the proceedings afresh, after giving the petitioner an opportunity to respond to the documents, which have been referred to in paragraph (v) [at page 13] of the order impugned herein.

(iv) The Committee shall decide proceedings within a period of three months from the date of receipt of a copy of this order.

(iii) Respondent no.2 – Scrutiny Committee to give notice of hearing of the proceedings to all those, who were affected by the order impugned herein.

(iv) Learned counsel for the petitioner undertakes to inform one Mohan Ganpatib Kalambar, who had appeared before the Scrutiny Committee for himself and on behalf of the petitioner and others as well.

[ABASAHEB D. SHINDE, J.]

[R.G. AVACHAT, J.]

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KBP